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6th Legislature

Senate Journal Regular Session

Austin Monday November 4 1861

This being the day prescribed by law for the assembling of the Legislature of the State of Texas, the Senate met at the Capitol at 11 oclk A.M. when the following proceedings were had.

The Senate was called to order by Hon R A. Gunn. Mr James F Johnson acting as Secretary pro tem Mr N C Burleson was appointed Sergeant at arms pro tem. The roll of Senators being called by Districts. the following Senators appeared, presented their credentials took the oath prescribed by the Constitution and their seats.

From District No 1 composed of the Counties of Galveston, Liberty, Jefferson, and Chambers		Rufus K. Hartley
From District No 2	Polk Tyler Jasper Newton Orange and Jaspar	A F Crawford
From District No 3	Angelina Nacogdoches and San Augustine	M. T. Wheeler
From District No 4	Sabine Shelby and Panola	Lewis F Casey
From District No 5	Rusk	Jesse H. Parsons
From District No 7	Cass and Bowie	John T. Moore
From District No 8	Titus and Red River	William C. Batte
From District No 10	Cherokee	Robert A. Gunn
From District No 11	Houston, Anderson, and Trinity	John H. Burnett
From District No 12	Van Zandt and Wood	B. F Selman
From District No 13	Kaufman Dallas and Henderson	Jeff Leatherwood
From District No 14	Fannin and Grayson	D F Crawford
From District No 16	Brazoria Fort Bend and Harris	A H. Jordan
From District No 17	Montgomery Grimes and Walker	A M. Branch
From District No 18	Madison Leon, Robertson Navarro and Limestone	John T Mercant
From District No 19	Limestone Freestone Navarro and Ellis	John Boyd
From District No 20	Johnson Tarrant Erath Parker and Palo Pinto	A. T Obenchain
From District No 21	Cooke, Denton, Wise Montague Jack Young and Clay Wichita Archer	Robert H. Graham
From District No 22	Matagorda Wharton Colorado and Fayette	John T Marcont
From District No 24	Calhoun, Jackson Victoria, DeWitt and La Vaca	George T Finley
From District No 25	Gonzales Guadalupe and Caldwell	S. A Darden
From District No 26.	Bastrop Travis and Hays	N. G. Shelley
From District No 27	Milam Williamson, Burnett, Bell and Lampasas	John H. Houston
From District No 28	Falls, Coryell McLennan, Bosque Comanche Brown, Hamilton &c	George B. Erath
From District No 30	Bexar	H. H. Mitchell
From District No 31	Blanco, Comal Bandera, Kerr Gillespie Llano San Saba Medina Uvalde &c	Erastus Reed
From District No 32	Cameron Nueces, Starr, Zapata Webb Encinal and Duval	C. B. Scarborough

The roll of Senators then being called the following Senators answered to their names Sloan Boyd Erath Burnett Casey Crawford of Fannin Crawford of Hays Darden Durant Finley &c., Graham Gunn, Marcont, H. Mitchell Houston, Jordan Mitchell Moore, Obenchain Parsons, Reed, Scarborough Selman Young Leatherwood and Wheeler. 27. A quorum being

present P. De Cordova Notary Public for Travis County administered the oath required by the Constitution to the Senators and the Senate proceeded to the election of President Pro tempore.

Mr Parsons nominated Mr. Gurim. There being no other nomination Mr. Gurim on motion of Mr. Erath was declared unanimously elected.

Nominations for Secretary of the Senate being next in order Mr. Hartley nominated Mr. P. De Cordova. There being no other nomination Mr. De Cordova received Twenty Six votes and was declared duly and Constitutionally elected

The election of 1st assistant secretary being next in order Mr Burnett nominated Mr. A N. Castile Mr. Erath nominated Mr N C Raymond Mr Hartley nominated Mr F H Giriand. Messrs Scarborough, Casey, and Hartley were appointed tellers. Mr Castile received Fifteen votes Mr Raymond received six votes. Mr. Giriand received Five votes. Mr Castile having received a majority of all the votes cast was declared duly elected

Mr Parsons moved that the Senate adopt the rules of the last session Mr Crawford moved that the Senate go into the election of 2nd assistant Secretary On motion of Mr Parsons the motion was laid on the table

The Senate then proceeded to the election of a Sergeant at Arms Mr Parsons nominated Mr A C Burleson Mr Houston nominated Mr Hardeman Mr Boyd nominated Mr J M Thomas. Mr Burleson received 19 votes Mr Hardeman received 7 votes. Mr Burleson having received a majority of all the votes cast was declared duly elected.

Mr. Crawford offered the following resolution "Resolved that the Sergeant at Arms act as doorkeeper of the Senate without other compensation than he receives as Sergeant at Arms." rejected The Senate then proceeded to the election of Doorkeeper

Mr. Selman nominated Mr. John M. Murphy Mr. Graham nominated Mr. William M. Moore Mr. Durant nominated Mr. Wm T. Rutledge Mr Boyd nominated Mr. C. S. Giles and Mr. M. McBryde Mr. Scarborough nominated Mr Carleton. On the first ballot Mr. Murphy received 11 votes, Mr. Moore 9 votes Mr. Rutledge 4 votes Mr. Giles 2 votes and Mr. McBryde 1 vote No one having received a majority of votes the Senate proceeded to a second ballot when Mr Murphy received 12 votes. Mr. Moore received 9 votes. Mr Rutledge 3 votes Mr. Giles 1 vote Mr. McBryde 1 vote and Mr. Carleton 1 vote No one candidate having received a majority of the votes, a third ballot was had when Mr. Murphy received 15 votes Mr. Moore 11 votes and Mr. Giles One vote whereupon Mr. Murphy was declared duly elected. The election of Enrolling Clerk being next in order Mr. Batte nominated Mr. Flavius Everett There being no other nomination Mr. Everett received 25 votes and was declared duly elected. The Senate then proceeded to the election of an Engrossing Clerk. Mr. Batte nominated Mr. D 2 St Clair Mr. Mitchell nominated Mr Davis. On counting the ballot Mr St Clair received 21 votes and Mr. Davis Six votes. Mr. St Clair was declared duly elected.

Mr. Erath moved that a committee of three be appointed to wait upon the Governor and inform him that the Senate was organized and ready to receive any communication he might have to make. Carried and Messrs Erath Parsons and Durant were appointed the Committee. On motion of Mr. Parsons the same committee were to inform the House of Representatives that the Senate was organized and ready to proceed to business. The committee retired and after a short time reported duty performed and that the Governor would make a communication in a few days. The Constitutional oath was administered by the President Pro tem to the Secretary, Assistant Secretary Enrolling and Engrossing Clerks Sergeant

at Arms and Doorkeeper. On motion of Mr. Scarborough the Senate adjourned until 10 oclk to morrow morning.

Tuesday Nov. 5. 1861
10 oclk A. M.

Senate met pursuant to adjournment. Prayer by Rev. Mr. Thomas. Roll called. Quorum present. The journal of yesterday was read and adopted.

Mr. Erath offered the following resolution. "Resolved that the Secretary of the Senate be authorized and requested to make arrangements with the Post Master at the City of Austin to forward letters and papers for the members of the Senate to be paid out of the contingent fund of the Senate." Adopted.

Mr. Parsons offered the following resolution "Resolved that the Secretary be authorized to employ for the use of the Senate, two porters, whose pay shall not exceed one Dollar per day each." Mr. Weatherford moved to strike out the word "Two" and insert "One". Carried and the resolution adopted.

A message was received from the House by their clerk W. C. Chalmers announcing the organization of the House and reporting the following list of officers elected by the House for the present session viz: Hon. C. N. Buckley Speaker, W. C. Chalmers Chief Clerk, N. M. Walton 1st Assistant Clerk, C. M. Bacon, Enrolling Clerk J. C. Garrison Engrossing Clerk, Wm N. Hardeman Sergeant at Arms, and J. C. Kovejoy doorkeeper

The following resolution was received from the House "Resolved by the House the Senate Concurring, that the two houses meet in joint session at 12 oclock M. to morrow to count the vote for Governor and Lieutenant Governor." Mr. Alexander moved that the resolution be sent back to the House for the purpose of having it dated. Mr. Shelley offered as a substitute the following resolution "Resolved that the House Concurring the two Houses will meet in joint session at 11 oclock A. M. this day to count the votes for Governor and Lieutenant Governor" Carried and the resolution adopted.

Mr. Parsons offered the following resolution "Resolved that the Secretary of the Senate be and he is hereby directed to call upon the Secretary of State and request him to furnish each member of the Senate with a copy of Oldham & White's Digest and also with Copies of the acts and journals of the last Legislature." Mr. Branch moved to add to the above resolution a copy of the amended Constitution. for each Senator. Amendment accepted and the resolution adopted.

Mr. Shelley offered the following resolution "Resolved that a committee of (three) five Senators be appointed to act in conjunction with a committee on the part of the House to make the necessary preperation for the inauguration of the Governor and Lieutenant Governor" adopted; and the following committee was appointed by the President: Messrs Shelley, Haircomb, Boyd, Hartley and Scarborough.

Mr. Burnett offered the following resolution "Resolved that the President appoint a committee of five to examine and report such amendments to the rules of the Senate as they may deem necessary for the dispatch of business" Adopted and the following committee appointed. Senators Burnett, Coleman, Rainey, Finley and Branch.

Mr. Durant offered the following resolution "Resolved that the Senate (the)House concurring will meet the House on Saturday the 9th inst to elect Senators for the Confederate States from the State of Texas" Laid on the table one day.

the rule for consideration.

The Clerk of the House reported that the House concurred in the resolution of the Senate relative to meeting in joint session for the purpose of counting the vote for Governor and Lieutenant Governor.

Mr. Harcourt introduced a Bill to regulate the time and manner of electing Confederate States Senators. Read 1st. time and referred to Judiciary committee.

Mr. Parsons moved that the Senate take a recess until the time to go into joint session. carried.

The recess having expired the Senate was called to order and proceeded to the Hall of the House of Representatives headed by their President. Pro. tem

In joint Session

The Speaker announced that the two houses had convened for the purpose of counting the votes for Governor and Lieutenant Governor Mr. Hartley was appointed teller on the part of the Senate and Messrs Llewellyn and Elmore on the part of the House. On opening the returns from Bexar County it was found that a vote taken at camp Magruder was irregular no precincts being established there a special return was made by the Chief Justice of Bexar County. This return was by the Speaker submitted to the joint session whether it should be counted. Mr. Davis of the House moved that said return be rejected. The yeas and nays being called the vote of the Senate was as follows.

Yeas; Messrs Branch, Burnett, Barden, Erath, Finley, Irwin, Harcourt, Hartley, Houston Jordan, Moore, Oldenchain, Parsons, Selman Shelley and Wheeler 16

Nays; Messrs Batte, Boyd, Casey, Crawford of Fannin, Crawford of Jasper, Durant, Graham, Mitchell, Reed, Scarborough and Weatherford 11. and on the part of the House there were 41 yeas and 20 nays, so the vote was rejected. On motion of Mr. Goodrich of the House there were deducted from the vote of Red River County as returned the following votes. from T. R. Nibbocks vote 18. from E. Clark vote 31 from J. Chambers vote 12 from D. M. Crockett vote 33 from T. T. Roches vote 16 those being the votes cast at Fort Arbuckle out of the State of Texas by the volunteers stationed at that place.

The following table shows the result.

	For Governor				For Lieut. Governor			
Counties	Nibbock	Clark	Chambers	Scattering	Crockett	Hall	Taylor	Jones
Anderson	154	694	60		477	421		
Angelina	98	221	85		117	227	6	4
Altascoso	80	31	27		148	1	33	
Austin	249	279	210		471	56		
Bandera	10	27	1		30	2	6	
Bastrop	311	20	374		575	106		
Bee	73	81	38		132	4	38	
Bell	228	179	255		660	1		
Bexar	1025	289	170		1202	7	207	
Blanco	138	31	95		206		24	
Bosque	129	74	120		223	80	16	

Amt. Brought up.	Kibbock	Clark	Chambers	Scattering	Crockett	Foard	Taylor	Jones
Bowie	198	87	12		44	239		
Brazoria	250	112	107		433	7	15	
Brazos	133	80	52		250	3		
Brown	62	23			60			
Buchanan								
Burleson	221	101	305		381	1		
Burnett	155	63	72		233	1		
Caldwell	249	14	188		395	23	21	
Calhoun	192	110	40		277	37	6	
Cameron	587	46	16		277		357	
Cass	107	239	214		309	171		4
Chambers	92	6	34		121		2	
Cherokee	160	872	43		273	769		
Clay								
Collin	387	213	242		594	88		
Colorado	257	136	236	53	566	71		
Comal	319	38	44		535		152	
Comanche	3	106	3		111			
Cooke	93	157	48		79	202		
Coryell	40	58	47		172	9	3	
Dallas	263	452	218		586	140	11	
Denton	257	325	29		561	9		
De Witt	202	135	120		426	16		
Ellis	191	307	76		448	90	14	
El Paso	537	88	1		246		340	
Erath	65	212	24		253	8	2	
Falls	69	56	107		173	13	5	
Fannin	212	235	314		252	418	7	
Fayette	304	49	771		1021	83		
Fort Bend	173	157	14		269	67	1	
Freestone	128	376	55		243	325		
Galveston	603	60	103		421	303		
Gillespie	267	47	2		264		46	
Goliad	117	167	12		266	1	6	
Gonzales	250	255	238		692	7		
Grayson	577	404	157		636	424		
Grimes	308	164	286		667	72	3	
Guadalupe	127	77	224		290	7	67	
Hamilton	17	85	11		75		10	
Hardin	75	43	45	1	119	3	20	
Harris	1629	297	306		1916	250		
Harrison	150	313	247		573	126		
Hays	75	25	157		233	3	3	
Henderson	33	252	40		142	174		
Hidalgo								

Amount Brot up	Lubbock	Clark	Chambers	Scatterings	Crockett	Howell	Taylor	Jones	Wingfield
Hill	216	231	86		450	8	5		11
Hopkins	144	380	147		226	361	10	5	
Houston	142	90	403		479	81	6		
Hunt	244	143	24		226	101			
Jack	21	23	4		39	2			
Jackson	88	25	92		168	20	5		
Jasper	79	277	5	4	190	32	25		
Jefferson	53	156	26		156	1	55		
Johnson	135	335	52		349	97	27		
Karnes	50	176	29		229		14		
Kaufman	130	424	64		444	172			
Kerr	65	76	12		72	3	74		
Kimble	257	254	307		421	379			
Kinney	100	87	22		160	1	14		
La Vaca	184	184	402		602	19	22		
Leon	312	96	279		533	131			
Liberty	181	67	151		201	189			
Limestone	219	274	68		502	3	3		
Live Oak	48	100	3		122		18		
Llano	52	55	23		103		13		
McLennan	96	119	487		345	7	1		
Madison	56	2	121		170	4			
Marion	65	163	193		91	314	7		
Mason									
Matagorda	88	60	13		74	74			
Medina	57	48	38		99		39		
Milam	93	130	349		481	17	37		
Montague	129	24	43	1	46	22			
Montgomery	106	46	244		345	35			
Nacogdoches	240	392	157		570	149			
Navarro	242	274	90		479	4	36		
Newton	49	207	32		150	34	10		
Nueces	73	257	10	2	176	33	89		
Orange	124	34	5		112	31	1		
Palo Pinto	16	101	1		87	13	3		
Panola	57	606	22		393	259			
Parker	321	445	11		712	31	3		
Polk	112	19	322		348	97	5		
Red River	312	108	337		69	655	3		
Refugio	15	83	5		92		11		
Robertson	130	123	28	1	212	64			
Rusk	302	752	105		463	664			
Sabine	66	167			234				
San Augustine	59	266	12		322	12			
San Patricio	5	49	17		68		2		

	Lubbock	Clark	Chambers	scattering	Crockett	Foscue	Pryor	Jones
Amount brot up								
San Saba	53	77			140			
Shelby	40	325	122		271	85	72	
Smith	201	869	8		214	865		
Starr	42	117	61		61		159	
Tarrant	148	578	82		536	228	4	
Titus	530	177	118	2	661	113	2	
Travis	504	188	118		123	697		
Trinity	85	193	100		236	117	8	
Tyler	120	244	115	19	376	14	31	
Upshur	383	686	75		807	224	29	
Uvalde	24	90	7		97	2	10	
Van Zandt	67	215	7		121	128		
Victoria	89	97	199		358	20		
Walker	234	37	316		481	79		
Washington	488	77	625		1182	16		
Webb	4	26	6		7		28	
Wilson	63	55	46		125	8	8	
Wise	36	228	24		169	27		
Wharton	49	114	15	1	75	92		
Williamson	193	122	151	1	409	2	57	
Wood	274	307	28		401	219		
Young	35	13	12		41	14		
Zapata	79	10					89	

For Governor F R Lubbock received 21854 votes
Edward Clark . 21.730 .
T. J. Chambers . 13.733 .
Pluralitu (Majority) for F R. Lubbock 124 votes

For Lieut Governor John M. Crockett received 38.321 votes
F. A. Foscue . 12.160 .

F R Lubbock having received the highest vote for Governor and John M. Crockett the highest for Lieutenant Governor they were severally declared by the Speaker duly and Constitutionally elected Governor and Lieutenant Governor of the State of Texas for the term of Two Years from the seventh inst. The Senate then returned to their chamber.

Mr Harcourt offered the following resolution "Resolved that the Sergeant at Arms be instructed to have the desks of the Senate Chamber repaired and new locks and keys furnished" adopted.

Hon Pryor Lea Senator elect from the 29th District came forward presented his credentials took the oath prescribed by the Constitution and took his seat

On motion the Senate adjourned until 10 o'clk A. M. to morrow.

Wednesday Nov. 6. 1861

Senate met pursuant to adjournment. Roll called. Quorum present. The journal of the preceding day was read and adopted.

Mr. Burnett Chairman of committee on rules and regulations made the following report:

"Your committee who was appointed to examine and to make such alterations and amendments to the rules of the Senate as would be necessary for the despatch of business have had the same under consideration and unanimously recommend the rules of the Eighth Legislature without alteration."

Mr. Harcourt offered the following resolution "Resolved that the office of 2nd assistant secretary of the Senate is hereby created for the present session and that the Senate now proceed to an election of said officer" On motion of Mr. Shelley the resolution was laid over until 10 oclk A M Tuesday 12th inst.

Mr. Burnett offered the following resolution "Resolved that the Secretary be instructed to have one hundred copies of the rules and regulations of the Senate printed for the use of the Senate"

Mr. Scarborough moved to take up the report of the committee on rules and regulations. carried. The report was then read and adopted, whereupon on motion of Mr. Scarborough the resolution offered by Mr. Burnett was adopted.

Hon C. B. Shepard Senator elect from the 23rd Senatorial District came forward presented his credentials, took the oath prescribed by the Constitution and his seat.

On motion of Mr. Darden the Senate adjourned until 9 oclock A M to morrow.

Thursday Nov. 7 1861

Senate met pursuant to adjournment. Roll called quorum present The journal of yesterday was read and adopted.

Hon A C. Cook Senator elect from the 33rd Senatorial District came forward presented his credentials, took the oath prescribed by the Constitution and his seat.

Mr. Durant moved to take up the resolution relative to the election of Senators to represent the State of Texas in the Congress of the Confederate States. carried.

Mr. Hartley moved to lay the resolution on the table for the present Lost. Mr. Hartley then moved to amend the resolution so as to postpone the election until the 1st day of January 1862. Lost. Mr. Hartley then moved to substitute the first monday in December. Lost. Mr. Shelley moved to postpone the further consideration of the resolution until monday next a week. Lost Mr. Shelley moved to strike out "Saturday the 9th inst" and insert "20th inst". Lost. Mr. Harcourt moved to insert "the last monday in November". Lost. Mr. Burnett offered the following as a substitute for the resolution "Resolved by the Senate the House Concurring that the two Houses will go into the election for two Confederate Senators on monday next the 11th inst at 10 oclk A. M" Mr. Erath moved to strike out "Monday next the 11th inst" and insert "Saturday the 16th inst" Lost. Mr. Gurrin moved to refer the resolution to the Judiciary committee. Carried.

Mr. Finley offered the following resolution "Resolved that the Senate now create the office of chaplain of the Senate whose salary shall be the same as other officers of the Senate"

Mr. Crawford of Jasper moved to lay the resolution on the table upon which the yeas and nays were called and stood thus:

Yeas. Mesrs Batte, Boyd Burnett, Casey Crawford of Jasper, Cook, Darden, Durant Houston, Mitchell, Weatherford and Wheeler 12.

Nays; Mesrs Branch Crawford of Fannin, Craft Finley Graham. Gunn Harcourt Hartley, Jordan, Lea, Moore, Obenchain Parsons, Scarborough Selman, Shelley and Shepard 17. The resolution was then adopted.

Mr. Finley moved to go into the election. Mr. Shelley moved to elect a chaplain on to morrow at 10 oclk A. M.. carried.

Mr. Shelley chairman of the committee of arrangements preparatory to the inaguration of Governor and Lieutenant Governor elect made the following report which on motion of Mr Craft was read for information

" The Joint committee appointed to make arrangements for the inagguration of the Governor and Lieutenant Governor elect on this the 7th inst on the part of the Senate beg leave to report the following proceedings.

The inauguration shall take place in the Hall of the House of Representatives at 12 oclock M. The two branches of the Legislature shall meet in the Representative Hall ½ before 12 oclock., the Speaker in the chair and the President of the Senate on his right. The Chief Justice and associate justices of the Supreme Court and Attorney General will occupy seats on the platform before the Speakers chair. The Heads of Departments and officers of the Republic of Texas will occupy seats on the left of the platform. Senators will occupy seats on either side of the aisle of the House and Representatives as near as possible to the Speakers chair. The Ladies will occupy seats within the bar of the House and citizens will occupy seats without the bar and in the Gallery. The retiring Governor, the Governor and Lieutenant Governor with the committee will enter the Hall at 12 oclk M. and be seated - the retiring Governor and Governor elect on the right of the Speakers chair and the Lieutenant Governor on the left. Prayer by the Chaplain. The retiring Governor will deliver his valedictory and immediately after the Governor and Lieutenant Governor will have the oath of office administered to them respectively by the Chief Justice of the Supreme Court

Respectfully submitted

N. G. Shelley Chm "

On motion of Mr. Craft the Senate took recess until ½ past 11 oclk A. M.

The recess having expired the Senate was called to order. A message was received from the House inviting the senate within the Representative Hall for the purpose of participating in the ceremonies of the inaugusation, On motion the Senate proceeded to the Hall of the House:

In joint Session

Roll called = quorum present. The committee appointed to wait upon the retiring Governor, the Governor and Lieutenant Governor elect appeared at the bar of the House with the retiring Governor Edward Clark and F. R. Lubbock Governor elect and John M. Crockett Lieutenant Governor elect and having been conducted to the Speakers stand the Ceremonies were opened with prayer by the Rev. Mr. Thomas. The retiring Governor Edward Clark then delivered his valedictory address;

(See page 137 of this book)

The oath of office was then administered by Chief Justice Wheeler to F. R. Lubbock Governor and Lieut Governor John M. Crockett elect when Gov Lubbock delivered his inagural address: (see page 154 of this book)

Lieutenant Governor John M. Crockett then delivered his inaugural address -
(See page 154. of this book)
The Senate then returned to their chamber and Mr. Guinn President Pro tem introduced the Ch. Governor as the presiding officer who delivered the address appropriate to the occasion.
(see page 154 of this book)
On motion of Mr. Shepard the Senate adjourned until 9½ o'clock A. M. to morrow.

Friday Nov. 8 . 1861 -

Senate met pursuant to adjournment. Roll called. quorum present. The journal of yesterday was read and adopted.

The President announced the following committees,

Judiciary:

Mefrs Marcont chairman
Branch
Wardley
Casey
Houston
Mitchell
Wheeler
Darden
Parsons
Guinn
Selman
Jordan
Shelley

Public Lands

Mefrs Pratt chairman
Batte
Reed
Finley
Crawford of Fannin
Cook
Scarborough
Lea
Branch

Penitentiary

Mefrs Jordan chairman
Graham
Burnett
Parsons
Reed

Finance

Mefrs Lea chairman
Boyd
Weatherford
Moore
Crawford of Jasper
Wardley
Parsons
Darden
Shepard

State affairs

Mefrs Wardley chairman
Shepard
Boyd
Shelley
Lea
Marcont
Weatherford
Scarborough
Obenchain

Education

Mefrs Branch chairman
Casey
Finley
Mitchell
Crawford of Jasper

Confederate Relations

Mefrs Durant chairman
Branch
Guinn
Burnett
Lea
Marcont
Cooke, Shelley, Reed.

Internal Improvements

Messrs Parsons Chairman
Shelley
Lea
Shepard
Crawford of Fannin
Hartley
Moore
Casey
Graham

Privileges & Elections.

Messrs Shelley Chairman
Selman
Durant
Batte
Crawford of Jasper
Obenchain
Craft

Roads Bridges & Ferries

Messrs Boyd Chairman
Crawford of Fannin
Moore
Shepard
Darden

Printing & Cont. Ex

Messrs Scarborough Chairman
Harcourt
Shepard
Durant
Parsons

Public Debt

Messrs Mitchell Chairman
Scarborough
Branch
Shepard
Heatherford
Batte
Gwinn

Militia & Mil. affrs

Messrs Casey Chairman
Boyd
Darden, Jordan,
Houston, Finley, Branch

Private Land claims

Messrs Heatherford Chairman
Houston
Mitchell
Gwinn
Scarborough
Branch
Finley
Selman
Harcourt

Counties & County Boundaries

Messrs Reed Chairman
Heatherford
Craft
Wheeler
Darden

Claims & accounts

Messrs Gwinn Chairman
Mitchell
Obenchain
Casey
Jordan
Finley
Moore

Engrossed Bills.

Messrs Crawford of Jasper Chmn
Casey
Houston

Enrolled Bills

Messrs Burnett Chairman
Selman
Wheeler

Treasurers Books

Messrs Selman Chairman
Shepard
Scarborough

General Land office

Messrs Shepard Chairman
Craft
Obenchain
Cook
Moore

Mr. Weatherford introduced a Bill granting lands to citizen soldiers. Read 1st & 2nd time and Referred to Committee on Public Lands.

Mr. Boyd introduced a Bill making Sheriffs Collectors of the revenue. Read 1st & 2nd time and referred to Committee on Finance.

Mr. Parsons introduced a Bill exempting the property of persons therein named from forced sale during the present war. Read 1st and 2nd times and referred to Judiciary Com.

Mr. Crawford of Jasper introduced a Joint Resolution relative to the transaction of Business Read 1st time

Mr. Gurrin offered the following resolution "Resolved that this Senate will entertain no bill at its present session granting land or money to individuals where the claims originated against the Republic or State of Texas prior to the 1st of June A.D. 1861 over which the Court of Claims has jurisdiction"

Mr. Erath proposed to amend by inserting in the last line "and have not been presented to said Court" accepted and the resolution adopted.

Mr. Parsons introduced a Bill to amend the 115th section of an act to regulate proceedings in the County Court pertaining to estates of deceased persons passed Jan. 2. 1848. Read 1st & 2nd times and referred to Judiciary committee.

Mr. Erath introduced a Bill to reduce the price of the public domain Read 1st & 2nd times and referred to committee on Public Lands.

Mr. Scarborough introduced Bill in regard to the Statute of Limitations. Read 1st & 2nd time and referred to Judiciary Committee

The election of Chaplain being the special order of the day was taken up. Messrs Gurrin and Parsons were appointed tellers. Nominations being in order Mr Weatherford nominated Rev N. A. Smith Mr Parsons Rev. Henry Thomas. Mr. Scarborough Rev J. M. Phillips. Mr. Crawford of Jasper Rev. R. T. Gibson. Mr. Erath Rev N. M. Baker. Mr. Hartley Rev. Bishop Gregg. Mr. Erath Rev. Wm Thomas. On counting the ballot Mr. Smith received three votes, Mr. Thomas three. Mr. Gibson Seven, Mr. Phillips One, Mr. Baker Five. Mr. Gregg ten. As one having received a majority of all the votes a 2nd ballot was had, Mr. Scarborough withdrawing the name of Mr. Phillips when Mr. Smith received Three votes Mr. N. Thomas three, Mr. Gibson Eight, Mr. Baker Eight, Mr. Gregg Seven. There being still no election a third ballot was taken Mr. N. Thomas and Mr W. Thomas being withdrawn, when Mr. Smith received three votes, Mr. Gibson Nine votes, Mr. Baker Eight votes Mr. Gregg Nine votes. There being no election the Senate proceeded to a fourth ballot Mr. Gregg name being withdrawn when Mr. Smith received Eight votes, Mr. Gipson Nine Mr. Baker Twelve. As no candidate having yet received a majority a fifth ballot was taken Mr Gibsons name having been withdrawn when Mr. Smith received Eighteen votes and Mr Baker Eleven votes

Mr. Smith having received a majority of the votes cast was declared duly elected Chaplain of the Senate.

Mr. Erath offered the following resolution 'Resolved that the Judiciary committee inquire into the expediency of suspending the law of limitations during this war and report by bill or otherwise" adopted.

Mr. Mitchell introduced a Bill to amend the 1st section of an act to regulate the license and practice of Attorneys and counsellors at Law. Read 1st and 2nd times and referred to Judiciary committee.

Mr. Harcourt introduced a Bill to reestablish the boundaries of the State of Texas Read 1st time.

Mr. Parsons offered the following resolution "Resolved that the Sergeant at Arms, be and he is hereby authorized and instructed to employ an additional

tee for the Senate the compensation for whom shall not exceed one Dollar per day." adopted.

Mr. Guinn offered the following resolution "Resolved that the committee on Militia and military affairs be and they are hereby requested to inquire into the expediency of so amending the militia law of this State as to effect a thorough and efficient organization of the militia of this State and report by bill or otherwise." Adopted

On motion of Mr Moore the Senate adjourned until 10 o'clock A.M. to morrow.

Saturday November 9. 1861

Senate met pursuant to adjournment. Prayer by the Chaplain. Roll called. quorum present.

Mr Darden asked to be excused from serving on the Judiciary committee and on motion of Mr. Guinn Mr Shepard was added to that committee in his stead.

Mr. Abenchain presented a petition from the Citizens of Parker county asking for a special court for criminal purposes. Referred to Judiciary committee.

Mr Selman presented the memorial of citizens of Tyler, Smith County, relative to the sale of spirituous liquors &c and introduced a bill regulating the sale of spirituous liquors or other intoxicating drinks in quantities less than One Quart in and near the town of Tyler. Read 1st & 2nd times and referred with the memorial to Judiciary committee.

Mr. Durant offered the following resolution "Resolved that the committee on Finance be and is hereby instructed to inquire into the propriety of so sustaining the Confederate Currency as to make it receivable by the State in the payment of taxes with all other debts due the State"

Mr. Weatherford moved to amend by adding after the words "Confederate Currency" the words "and State Treasury warrants" accepted and the resolution was adopted.

Mr. Selman offered the following resolution "Resolved the House concurring that a joint committee of Eleven members five from the Senate and six from the House of Representatives shall be appointed whose duty shall be to consider the financial affairs of the State and as early as practicable propose to the House of Representatives such means for relief as in their opinion will best serve the public interest"

Mr. Mitchell offered the following as a substitute "Resolved the House concurring that the committees on Finance of the Senate and House be instructed to act in concert with each other and propose to the House of Representatives as early as practicable such means for financial relief as in their opinion will best serve the public interest"

On motion of Mr Durant the substitute and the resolution were laid on the table.

Mr. Guinn introduced a Bill to establish certain regulations for the management of the Lunatic Deaf and Dumb and Blind Asylums. Read 1st & 2nd times and referred to committee on State affairs.

A message was received from the House transmitting to the Senate the message of Gov. Edward Clark

(See page 154 of this book)

Mr. Selman offered the following resolution "Resolved that the Judiciary committee be instructed to take under consideration the subjects "suits records and papers which pertained to the Federal courts in Texas" and report by bill what disposition shall be made of that class of business over which the Confederate Court has no jurisdiction but is still pending therein." Adopted.

Mr. Harcourt introduced a Bill supplemental to an act authorizing the [illegible]

of duplicate land warrants Read 1st and 2nd times and referred to Judiciary committee. also Bill to amend an act for the relief of Master Builders Read 1st and 2nd times and referred to Judiciary committee.

Mr Scarborough introduced a Bill in regard to change of venue of cases in the 12th judicial District. Read 1st & 2nd times and referred to Judiciary committee.

Mr Batte introduced a Bill granting certain powers to the mayor of the town of Mount Vernon in Titus County Read 1st & 2nd time and referred to Judiciary committee.

Mr Graham introduced a Bill granting preemption privileges to actual settlers Read 1st & 2nd times and referred to committee on Public Lands.

Mr Shelley introduced a Bill for the relief of the heirs of Charles Clark dec'd Read 1st and 2nd time and referred to committee on private Land Claims

Mr Harcourt introduced a Joint Resolution authorizing the Governor to appoint competent agents for the State to receive and forward to our brave soldiers such articles of clothing, blankets &c as may be contributed for their comfort by citizens of the State. Read 1st & 2nd times and referred to the committee on Military affairs.

Mr Harden offered the following resolution. "Resolved that the committee on Military affairs be instructed to inquire into the propriety of establishing a depot for the reception of goods forwarded to the Texas Volunteers and Hospital for the sick at some convenient point out of the State of Texas" adopted.

On motion of Mr Parsons the message of Governor Clark was read and on motion of Mr Guinn the subjects embraced therein were referred to the appropriate committees

Mr Crawford of Jasper moved to have 500 copies of the message printed. Mr Harcourt moved to amend by substituting 1000 copies. accepted Whereupon Mr Shelley moved to strike out 1000 and insert 500 carried. The motion was then put and carried.

On motion of Mr Crawford of Jasper the Joint Resolution offered by him on yesterday relative to business was taken up and made the special order for Monday next at 11 oclk A M.

On motion of Mr Guinn Mr Pratt was added to the committee on Military affairs.

On motion of Mr Harcourt the Senate adjourned until Monday 10 oclk A. M.

Monday Nov. 11. 1861

Senate met pursuant to adjournment Prayer by the Chaplain Roll called: quorum present. The journal of Saturday was read and adopted.

A message was received from the House informing the Senate that the House had passed the two following resolutions "Resolved the Senate concurring that a joint committee of five from the House and three from the Senate be appointed on the Court of claims." Resolved that the Committee on Military affairs be requested to take into consideration the passage of some law giving the privilege to hold elections to the citizen soldiers of Texas in the service of our State or the Southern Confederacy in camp or service and report by Bill or otherwise and that the Clerk of the House be instructed to communicate to the Senate the passage of this resolution"

Mr Selman presented a memorial from the officers and attorneys of the District Court of Smith County, and introduced accompanying Bill changing the time of holding the District Courts in the 9th Judicial District. Read 1st & 2nd times and referred with the memorial to the Ju

diciary Committee

Mr. Gurrin introduced a Bill to amend article 284 of the Penal code of the State of Texas. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Jordan introduced a Bill to amend an act authorizing unpaid warrants on the Treasury to bear interest approved Febry 12. 1860 Read 1st and 2nd times & referred to Committee on Finance.

Mr. Parsons introduced a Bill to repeal an act prescribing the order of determining cases in the Supreme Court Read 1st & 2nd times and referred to the Committee on the Judiciary.

Mr. Burnett introduced a Bill to extend the lien of judgments hereafter to be rendered in the several courts of law held within this State and to delay the issuing of execution thereon until the expiration of twelve months after the same Read 1st and 2nd times and referred to Judiciary Committee

Mr. Gurrin offered the following resolution. "Resolved that the Senate will proceed to classify its members under the requirements of the Constitution on Tuesday 12th inst at 12 oclock M." adopted

Mr. Easly offered the following resolution "Resolved that the committee on the Judiciary be and they are hereby requested to inquire into the constitutionality and expediency of exempting the property of citizens of this State who are or may be in the Military service of the State of Texas or of the Confederate States from forced sale and that they report by Bill or otherwise" adopted.

Mr Moore offered the following resolution "Resolved that the committee on Public lands inquire into the expediency of extending the time for payment upon preemption claims and report by Bill or otherwise" adopted.

Mr. Burnett offered the following resolution "Resolved that the committee on Finance take into consideration the propriety of reducing the number of officers and also the salaries and fees of the officers of the State of Texas and that they report by Bill or otherwise as soon as possible" Adopted.

Mr. Finley introduced a Bill to amend the 2nd section of an act prescribing the order of determining cases in the supreme court approved Febry 7. 1861 Read 1st and 2nd times and referred to Judiciary committee.

Mr. Selman introduced a Bill relating to the duties of the Judges of the Supreme Court. Read 1st and 2nd times and referred to Judiciary committee

Mr. Selman offered the following resolution "Resolved. that the committee on the Judiciary be instructed to take under consideration the propriety of dispensing with the office of Reporter to the Supreme Court as it now is and require the Attorney General to perform that service, and if in their opinion it can be done by him at less expense to the State. and the citizens they report by Bill as early as practicable". adopted.

Mr. Hartley offered the following resolution "Resolved that the Judiciary committee be instructed to take into consideration the propriety of altering the Constitution so as to increase the number of Judges of the Supreme Court" adopted

A message was received from the House informing the Senate that the House had adopted a Resolution to go into the election of Confederate States Senators for the State of Texas at 10 oclock on Tuesday the 12th inst.

On motion of Mr. Gurrin the resolution offered by Mr. Crawford of Lamar

on Saturday last was taken up. Mr. Shepard moved to refer the resolution to the committee on the Judiciary. Lost. Whereupon Mr. Parsons moved to lay on the table. Carried.

On motion of Mr. Gwinn the resolutions reported from the House were taken up. The first resolution was adopted on Mr. Crafts motion and the second on motion of Mr. Lea was referred to the committee on Militia and Military affairs.

On motion of Mr. Scarborough Mr. Durrah was added to the committee on Military affairs and on motion of Mr. Branch Mr. Jordan was added to the committee on Finance.

On motion of Mr. Weatherford the resolution from the House relative to the election of Senators in the U. S. congress was taken up. Mr. Lea moved the reference to the Judiciary committee, whereupon the yeas and nays were called and stood thus,

Yeas Messrs Batte, Branch, Craft, Gwinn, Marcomb, Hartley, Jordan, Lea, Reed, Scarborough, Selman and Shelley 12.

Nays. Messrs Boyd, Burnett, Cook, Crawford of Fannin, Crawford of Jasper, Durant, Finley, Graham, Houston, Mitchell, Moore, Obenchain Parsons Shepard and Weatherford and Wheeler 16.

Mr. Craft moved to adjourn until 10 oclk A. M. to morrow. Lost.

Mr. Burnett moved the adoption of the resolution upon which Mr. Gwinn moved a call of the Senate which was sustained. The Senate being full Mr. Gwinn moved to strike out the 12th inst and insert Saturday the 16th inst at 11 oclk. Mr. Crawford of Jasper moved to lay the amendment on the table upon which Mr. Gwinn moved a call of the Senate which was sustained. The Senate being full, Mr. Gwinn made a question of order whether Mr Crawfords motion was in order which the President sustained. Mr. Hartley moved to amend by striking out Saturday the 12th and inserting Friday the 15th inst at 11 oclk A. M. Mr. Gwinn moved to amend the amendment by substituting Saturday the 16th inst at 10 A. M. which was accepted. Mr. Burnett moved to lay the amendment on the table upon which the yeas and nays were as follows

Yeas: Messrs Burnett Casey, Cook, Crawford of Fannin Crawford of Jasper, Durant Finley, Graham, Houston Mitchell, Moore Parsons, Weatherford & Wheeler 14

Nays. Messrs Batte Boyd Branch, Darden Craft, Gwinn Marcomb, Hartley Jordan, Lea Obenchain, Reed, Scarborough, Selman, Shelley and Shepard 16

The amendment was then adopted whereupon the resolution was adopted.

On motion of Mr. Hartley the Senate adjourned until 10 oclk A. M. to morrow.

Tuesday Nov. 12. 1862

Senate met pursuant to adjournment. Prayer by the Chaplain Roll called, Quorum present. The journal of yesterday was read and adopted.

The President announced the following committees. On Indian affairs Messrs Craft Chairman, Shelley, Reed Cook, Gwinn Lea, Crawford of Fannin Parsons and Marcomb. Joint Committee on the part of the Senate on the Court of Claims Messrs Gwinn Craft and Mitchell.

Mr. Shelley presented the memorial of Robert Crenshaw relative to his invention styled the Sea King, Read.

Mr. Marcomb Chairman of the Committee on the Judiciary made the following reports "The Judiciary committee have considered a Bill supplemental to an act authorizing the issuing of duplicate land warrants and direct me to report the same back to the Senate and

recommend its passage" "The Judiciary committee have considered a Bill to amend the 1st. Section of an act to amend the 4th Section of the act of May 12. 1846 to regulate the licinse. and practice of attorneys and counsellors at law and to amend the 2nd. Section of the act of February 11. 1854 entitled an act to amend the 9 & 10. Sections of an act to regulate the license and practice of attorneys and counsellors at law and direct me to report the same back to the Senate without amendment and recommend its passage.

A message was received from the House informing the Senate that the House had paced a Bill granting leave of absence from the State for Three months to Edward A. Conkey judge of the seventeenth Judicial District.

Mr. Casey introduced a Bill for the relief of Hon A. W. O. Hicks. Read 1st & 2nd times and referred to Judiciary committee.

Mr. Shelley offered the following resolution, "Resolved the House concurring that a joint committee of one on the part of the Senate and one on the part of the House be appointed to act in conjunction with the person appointed by the Governor to coneider and investigate the subject matter of the memorial of Robert Creighan and report by Bill or otherwise". Adopted.

Mr. Harcourt introduced a Bill to regulate the inspection and sale of flour Read 1 & 2. time and referred to Judiciary committee.

Mr. Durant offered the following resolution "Whereas an act to audit accounts of the respective states against the Confederacy approved March 30. 1861 a copy of the same hereunto attached declaring that all claims and accounts of the respective states of the Confederacy against the Confederate Government for the advances and expenditures made by said state respectively for the use and benefit of the Confederacy in preparation for and in conducting the war shall be audited and the amount ascertained: Therefore be it resolved by the Senate that the Committee on Finance be and is hereby instructed to inquire into and report such plan as will best secure the interests of the State of Texas under said laws of the Confederacy." adopted.

Mr Shelley introduced a Bill for the endowment of professorships in the colleges of Texas Read 1st & 2nd time and referred to committee on Education

Mr. Shelley introduces a Bill for the relief of A K Cook Read 1st & 2nd time and referred to committee on Finance.

Mr. Gunn introduced a Bill to prevent vice and immorality on Sunday Read 1st & 2nd time and referred to Judiciary Committee

Mr Burnett introduced a Bill protecting the property of persons who have been mustered into the service of the State of Texas or the Confederate States, from forced sale for twelve months after they are discharged from said service. Read 1st & 2nd times and referred to Judiciary committee.

Mr. Scarborough introduced a Bill in regard to paying County scrip for liquor license tax for Cameron County, Read 1 & 2nd times and referred to Judiciary committee.

Mr. Durant offered the following resolution "Whereas the Confederate States of America did pass an act for the sequestration of the estates property and effects of alien enemies & said act approved August 30. 1861 a copy hereunto attached Therefore be it resolved by the Senate assembled that it is the sense of this body that the State of Texas alone can have and exercise jurisdiction and control over all such estate within her bounds and limits and that the rights and powers assumed by the said Confederate States as set forth in said act are dangerous to the rights of the State.

2 Resolved that the Judiciary committee be and is hereby instructed to inquire into and report at as early a day as practicable by bill or otherwise the best mode of securing the interest of the State in the premises." Referred to the Judiciary committee.

Mr. Shepard asked to be excused from serving on the following committees. Treasurers Books Generals and Office Printing and Contingent Expenses. granted.

On motion of Mr. Scarborough Mr. Finley was added to Judiciary committee

The resolution relative to the office of 2nd assistant Secretary of the Senate being the special order was taken up read and adopted. Whereupon the Senate proceeded to the election

Mr. Marcomb nominated Mr. L. H. Breeding. Mr. Crabb nominated Mr. Woodridge. Mr. Parsons nominated Mr. R. L. Bacon. Messrs Parsons and Guinn were appointed tellers. On counting the votes Mr. Breeding received 13. Mr. Woodridge 7. and Mr. Bacon. 10. There being no majority a second ballot was taken with the following result Mr. Breeding received 12 votes Mr. Woodridge 6. votes and Mr. Bacon 11 votes. There being still no election a third ballot was had when Mr. Breeding received Eleven votes, Mr. Woodridge Eight, and Mr Bacon three votes. As one candidate having a majority the Senate proceeded to a fourth ballot which resulted as follows Mr. Breeding 12 votes, Mr. Woodridge 10 votes and Mr. Bacon 8 votes. There still being no election a fifth ballot was taken with the following result Mr Breeding 12 votes Mr. Woodridge 10 votes. Mr. Bacon Seven votes As one yet getting a majority a sixth ballot was taken, Mr. Bacon having withdrawn, with the following result Mr. Breeding received 15 votes and Mr. Woodridge 15 votes The President thereupon gave the casting vote in favor of Mr. Breeding whereupon he was declared duly elected 2nd assistant Secretary of the Senate he then came forward and took the oath of office.

The classification of Senators being also a special order was taken up and the Secretary having prepared seventeen ballots on which was written "long term" and sixteen on which was written "short term" all were placed in a hat and on calling the roll of Senators alphabetically the Sergeant at Arms drew a ballot with the following result Messrs Branch, Brandford of Fannin, Darden, Durant, Finley, Guinn, Hartley, Houston, Jordan, Lea, Obenchain, Parsons, Scarborough, Selman, Shelley, Weatherford and the Senator who may be elected from the 16th Senatorial District drew the long term. Messrs Boyd, Burnett, Casey, Cooke, Crawford of Jasper, Dixon, Erath, Graham, Marcomb, Maxey, Mitchell, Moore, Reed, Shepherd & Wheeler drew the short term.

On motion of Mr. Houston the bill granting leave of absence to Edward H. Vontress was taken up. Read 1st time Rule suspended Read 2nd time and passed to a third reading. Rule further suspended Read 3rd time and passed.

A message was received from the House informing the Senate of the concurrence by that body in the Senate amendment to their Resolution to go into the election of U. S. Senators

On motion of Mr. Durant the Senate adjourned until 10 o'clk A.M. to morrow.

November 13. 1861

Senate met pursuant to adjournment. Prayer by the Chaplain. The journal of yesterday was read and adopted.

Mr. Moore presented the petition of Wm V. Hughes. Referred to committee on claims and accounts.

Mr. Jordan presented the petition of Lewis C. Ferguson, Read and referred to the committee on the Judiciary.

Mr. Pratt chairman of committee on Public Lands made the following report. "The committee on public lands to whom was refered a Bill granting preemption privileges to actual settlers "have had the same under consideration and instructed me to report the Bill back to the Senate as they think the present law is sufficient and that this Bill do not pass"

Mr. Harcourt chairman of the committee on the Judiciary made the following report "The Judiciary committee have considered a Bill to amend Art 284 of the Penal code of the State of Texas" and direct me to report the same back to the Senate and recommend its passage"

Mr. Hartley offered the following resolution "Resolved that the committee on military affairs be requested to inquire into the propriety of the State purchasing or having manufactured Cannon Powder, and arms to be used in defense of the State and report as early a day as practicable" adopted.

Mr. Hartley introduced a Joint Resolution relative to the defenceless condition of the Coast of Texas Read 1st and 2nd time and referred to committee on State affairs.

Mr. Scarborough offered the following resolution "Resolved that the committee on printing cause to be printed immediately for the use of the Senate fifty copies each of the Message of Governor Clark, the reports of the Comptroller, Treasurer Adjutant General superintendant of Public schools and the Penitentiary" Adopted.

Mr. Casey introduced a Bill to amend the 525th article of the code of criminal procedure Read 1st & 2nd time and referred to Judiciary committee.

Mr. Harcourt introduced a Bill to amend the 5th section of the Statute of limitation Read 1st & 2nd times and refered to the committee on Judiciary.

The President announced Mr Kelley as committee on the part of the Senate on the Memorial of Robert Creinbarn.

Orders of the day

The report of the committee on the Judiciary on a bill authorizing the issuing of duplicate land warrants discharges and certificates for Headright claims upon certain conditions was read and Bill ordered to be engrossed.

Bill to amend the 1st section of an act entitled an act to amend the 4th section of the act of May 12 1846 to regulate the license and practice of attorneys and Counsellors at law &c. Read 3rd time and ordered to be engrossed.

Mr. Pratt by leave offered the following resolution "Resolved that with the concurrence of the House the committee on Indian affairs of both houses act jointly on measures of frontier defense.

Adopted

On motion of Mr. Pratt Messrs. Obenchain and Graham were added to the committee on Indian affairs.

On motion of Mr. Selman the Joint Resolution with regard to the appointment of a joint committee to take into consideration the financial condition of the State, also the amendment thereto offered by Mr Mitchell was taken up and on motion of Mr. Shepard indefinitely postponed.

On motion of Mr. Burnett the senate adjourned until 10 o'clk A. M. to morrow.

Thursday November 14 1863

Senate met pursuant to adjournment. Prayer by the Chaplain, roll called. Quorum present. The journal of yesterday was read and adopted.

Mr. Graham presented the Certificate of election of Hon D. J. Alison Senator elect from the 13th Senatorial district. Whereupon Mr. Alison came forward and took the oath prescribed by the Constitution.

Mr. Jordan presented the petition of Samuel Everett. Referred to the Judiciary committee.

Mr. Parsons presented the petition of sundry citizens of the county of Rusk praying the prohibition of the sale of spirituous liquors in the town of Bellview. Referred to committee on Judiciary

Mr. Selman introduced a Bill to amend the 2nd & 3rd sections of an act to provide for the payment of grand and petit jurors passed Feb 1850. Read 1st & 2nd time and referred to Judiciary committee.

Mr. Reed introduced Bill to amend article 649 Sec 16. O & M. Dig. passed Mar. 16. 1848 regulating the mode of opening returns of elections. Read 1st & 2nd time and referred to Judiciary committee.

Mr. Wheeler introduced a Bill to authorize the County Court of Angelina County to regulate the pay of the Sheriff therein in certain cases. Read 1st & 2nd time and referred to Judiciary committee.

Mr. Cook introduced Bill for the benefit of irrigable property. Read 1st & 2nd time and referred to committee on Internal Improvements.

Mr. Crawford of Hamin introduced a Bill exempting certain property of Texas troops in the Confederate army from taxation. Read 1st & 2nd time and referred to committee on State affairs.

Mr. Finley introduced Bill to incorporate the Galveston and Beaumont Rail Road and Steam Ferry Company. Read 1st & 2nd time and referred to committee on Internal Improvements.

Mr. Crawford of Jasper chairman of the committee on Enrolled Bills reported the following bills correctly enrolled. Bill supplementary to an act authorizing the issuing of duplicate land warrants discharge, and duplicate headright claims upon certain conditions. Bill to amend the 4th Section of act of May 12. 1846 and to amend the 2nd Section of act of Feb 11. 1854 to regulate the license and practice of attorneys and counsellors at law.

Mr. Guinn offered the following resolution "Resolved that the Judiciary committee inquire into the propriety of repealing articles 953. 953-954 and 955 of the code of Criminal procedure and report by Bill or otherwise." adopted.

A Bill granting preemption privileges to actual settlers was on Mr. Grahams motion made the special order for Monday 23rd inst.

A Bill to amend article 284 of the penal code of the State of Texas. Read 2nd time and ordered to be engrossed

A Bill supplementary to an act authorizing the issuing of duplicate land warrants discharges and duplicate headright claims upon certain conditions. Read 3rd time and passed.

A Bill to amend the first section of an act to amend the fourth section of the act of May 12. 1846 to regulate the license and practice of attorneys and counsellors at law and to amend the 2nd section of the act of February 11 1854 to amend the 9. & 10 sections of an act to regulate the licenses and practice of attorneys and counsellors at law Read 3rd time & passed.

On motion of Mr. Gurwin the Senate adjourned until 10 oclock A.M. to morrow

Friday November 15 1861

Senate met pursuant to adjournment, Prayer by the Chaplain. Roll called. Quorum present. The journal of yesterday was read and adopted.

The following message was received from the Governor,

Executive office.
November 15 1861

Gentlemen of the Senate
and House of Representatives.

I have this morning learned for the first time that this day has been set apart by the proclamation of the President of the Confederate States as a day of fasting, humiliation and prayer and by it the Clergy and the people of the Confederate States are invited to resort to their usual places of public worship and to implore the blessing of Almighty God upon our arms, that He may give us victory over our enemies preserve our homes and altars from pollution and secure to us the restoration of peace and security.

It is to be regretted that this proclamation could not have been more generally distributed throughout our State so that all the citizens of the State could have been aware of the fact.

Under the circumstances I feel that it is only necessary for me to call the attention of your honorable bodies to this proclamation in order that you may take such action as the occasion requires.

Very Respectfully
T. H. Lubbock

Mr. Gurwin offered the following resolution. "Whereas the President of the Confederate States has by proclamation set apart this day as a day for fasting humiliation and prayer and requested its observance by the people and the Governor has sent a message to the Senate calling its attention thereto. Therefore resolved that the Senate concurs in the recommendation contained in the proclamation of the President of the C.S. and the message of the Governor and for the purpose of observing the day it will now stand adjourned until 9 o'clock A.M. to morrow morning."

Adopted.

Saturday November 16. 1861

Senate met pursuant to adjournment. Prayer by the Chaplain. Roll called quorum present. The journal of the two preceding days read and adopted.

Mr. Erath introduced a Bill to amend the charter of the Waco classical school. Read 1st & 2nd time and referred to committee on Education.

Mr. Guinn introduced a Bill to prevent the emancipation of slaves. Read 1st & 2nd time and referred to Judiciary committee

Mr. Weatherford introduced a Bill to amend the third section of an act to incorporate the Dallas Bridge Company. Read 1st & 2nd times and referred to to committee on Roads Bridges and ferries.

Mr. Harcourt offered Joint resolution relative to the pay of deputy Marshalls the balance due them by the U. S. for taking the Census &c Read 1st & 2 time and referred to committee on Confederate Relations.

Mr. Batte offered the following resolution "Resolved that the Joint Committee on the Court of Claims be requested to inquire into the expediency of passing a law to authorize the Comptroller to audit and settle all claims due, and accounts against the State growing out of the late volunteer service and report by bill or otherwise" adopted.

Mr. Moore introduced a Bill to validate the official acts of J. M. Conley as sheriff of Cass County Read 1st & 2nd time and referred to Judiciary Committee

Mr. Mitchell introduced a Bill to prevent judgments from becoming dormant and to create and preserve judgment liens Read 1st & 2nd time and referred to Judiciary committee.

Mr. Crawford of Jasper chairman of committee on Engrossed Bills reported a Bill to amend article 284 of the penal code of the State of Texas correctly engrossed.

On motion of Mr. Guinn the Senate took recess for ten minutes. The recess having expired the Senate was called to order when Mr. Oldenchain introduced a Joint Resolution proposing an amendment to the State Constitution, to the 3rd section of article 10th thereof. Read 1st & 2nd times and referred to committee on Education.

A message was received from the House informing the Senate that the House was waiting to receive the Senate for the purpose of electing Senators to the Confederate States Congress. Whereupon on motion of Mr. Crawford of Jasper the Senate proceeded to the Hall of the House of Representatives.

In Joint Session

Roll called Quorum present. The Speaker announced that the two Houses of the Legislature were convened in joint session for the purpose of electing two Confederate States Senators. Nominations being in order Mr. Guinn on the part of the Senate and Mr. Holland on the part of the House nominated Louis T. Wigfall

The following named Senators voted for Mr. Wigfall. Messrs. Batte, Boyd, Branch, Burnett, Casey, Clark, Crawford of Hamin, Crawford of Jasper, Davis, Durant, Erath, Finley, Graham, Guinn, Harcourt, Hartley, Houston, Jordan, Lea, Mitchell, Moore, Oldenchain, Parsons, Reed, Scarborough, Selman, Shepard, Weatherford & Wheeler 30.

On the part of the House Mr. Wigfall received 82 votes, Mr. Guinn 2 votes. Whereupon Mr. Wigfall was declared by the Speaker of the House of Representatives duly and Constitutionally elected a Senator in the Congress of the Confederate

States.

Nominations for another Senator being in order Mr. Boyd on the part of the Senate and Mr. Broaddus on the part of the House nominated Williamson S. Oldham. Mr. Finley on the part of the Senate and Mr. Navarro on the part of the House nominated Thomas N. Waul. Mr. Durant on the part of the Senate and Mr. Millahunty on the part of the House nominated John Hemphill.

The following Senators voted for Mr. Oldham, Messrs Batte, Boyd, Casey, Crawford of Fannin Crawford of Jasper, Craft, Houston, Oldham, Parsons Selman, Shepard and Weatherford 12. Messrs Harden, Finley Harcourt Reed and Scarborough 5 voted for Mr. Waul 5. Mr. Gwinn voted for Mr. Stockdale 1. Mr. Hemphill received the votes of the following Senators, Messrs Branch, Burnett, Cook Dixon Durant Graham, Hartley, Jordan, Lea, Mitchell, Moore, Shepard and Wheeler. 13. On the part of the House Mr. Oldham received 42 votes, Mr. Waul 22. and Mr. Hemphill 22. Mr. Kendall 1. Mr. Archibald 1. As no candidate having received a majority of all the votes cast a second count was taken with the following result, Mr. Oldham received the votes of the following Senators Messrs Batte, Boyd, Burnett, Casey, Crawford of Fannin Crawford of Jasper, Craft, Gwinn, Houston, Oldham, Parsons Selman, Shelley. and Weatherford. 14. Messrs Harden, Finley, Harcourt Reed and Scarborough voted for Mr. Waul 5. and Messrs Branch, Cook, Dixon, Durant, Graham, Hartley, Jordan, Lea, Mitchell Moore Shepard and Wheeler voted for Mr. Hemphill 12. On the part of the House Mr. Oldham received 42 votes, Mr. Waul 21 votes and Mr. Hemphill 22 votes. There still being no majority for any one another vote was announced as in order, whereupon Mr. Harcourt moved that the Senate retire to their chamber upon which the Yeas and Nays stood thus,

Yeas; Messrs Branch, Dixon, Durant, Finley, Graham, Gwinn, Harcourt, Hartley, Jordan, Lea, Mitchell, Moore Reed and Scarborough. 14

Nays. Messrs Batte, Boyd, Burnett Casey, Cook, Crawford of Fannin, Crawford of Jasper, Harden, Craft, Houston, Oldham, Parsons, Selman, Shelley, Shepard, Weatherford and Wheeler 17.

A third vote was then called for and taken with the following result. Messrs Batte, Boyd, Burnett, Casey, Crawford of Fannin Crawford of Jasper Craft Gwinn, Houston Oldham Parsons, Shelley, Selman, and Weatherford voted for Mr. Oldham 14.

Mr. Waul received the following votes Messrs Harden, Harcourt and Reed 3. Messrs Branch, Cook, Dixon, Durant Finley, Graham, Hartley, Jordan, Lea, Mitchell, Moore, Scarborough Shepard & Wheeler voted for Mr. Hemphill, 14.

On the part of the House Mr. Oldham received 46 votes, Mr. Waul received 18 votes, and Mr. Hemphill 23 votes.

Mr. Oldham having received Sixty votes it being a majority of the number cast was declared by the Speaker duly and Constitutionally elected a Senator in the Confederate States Congress.

The Senate then retired to their Chamber, when on motion of Mr. Gwinn the Governors Message was taken up and on motion of Mr. Shepard the Senate adjourned until 3 o'clk P. M.

3 o'clk P. M.

Senate met, roll called Quorum present. Mr. Hartley moved to adjourn until 9 o'clk A. M. on Monday next - lost.

The Message of Governor Lubbock was then read
See page of this book See Records Executive office
On motion of Mr. Guinn the Message was referred to the appropriate Committees and 500 copies thereof ordered to be printed.

A Message was received from the House informing the Senate that the House had concurred in the Senates resolution requiring the committee on Indian affairs of both Houses to act jointly on the subject of frontier defense, and to raise a joint committee on the Memorial of Robert Creighton. Also that the House had passed a bill to enable J. H. Saunders guardian &c. to remove the property of his wards John Saunders, Cara Saunders and Claiborne Saunders from the State of Texas.

On motion of Mr. Finley the Senate adjourned until Monday next at 10 o'clk A. M.

Monday November 18. 1861

Senate met pursuant to adjournment. Prayer by the Chaplain. Roll call'd quorum present. The journal of Saturday was read and adopted.

Mr. Guinn offered the following resolution, "Resolved that the Treasurer be requested to furnish the Senate with a statement of the funds and their character on hand" adopted.

Mr. Guinn introduced a bill supplementary and additional to and amendatory of the act to reorganize the Court of claims and to extend the time for the presentation of claims for land against the Republic or State of Texas. Read 1st & 2nd times and referred to the committee on the Court of claims.

Mr. Finley introduced a Joint Resolution concerning the pay of privates in the Confederate army. Read 1st and 2nd times and referred to the committee on Militia and Military affairs.

Mr. Scarborough introduced a Bill to procure the investigation of the rights of the State to the Salt lake known as El Sal del Rey. Read 1st and 2nd times and referred to the committee on State affairs

Mr. Burnett offered the following resolution "Resolved that the committee on printing be instructed to inquire into the expediency of passing a law requiring the advertising of Sheriffs and other sales required by law in the news papers of the County or district in which it is published and report by bill or otherwise" adopted.

Orders of the day

A Bill to amend article 282 of the penal code of the State of Texas. Read 3rd time and passed.

House Bill to enable A. H. Saunders guardian of John Sanders, Cara Saunders and Claiborne Saunders to remove the property of his wards from the State of Texas. Read 1st & 2nd time and referred to Judiciary committee

Mr. Shepard by leave introduced a bill for the relief of the rail road companies of the State of Texas. Read 1st & 2nd times and referred to committee on Internal Improvements

On motion of Mr. Harcourt Mr. Dickson was added to the committees on State Affairs, Public Lands, Education, Judiciary and Finance.

Mr. Selman offered the following resolution, "Resolved, that the Treasurer of the State be requested to furnish the Senate with a statement showing the several amounts due the State by the different Rail Road companies and the amounts of interest due by each" adopted.

Mr. Durant offered a Joint Resolution proposing to amend the constitution so as to have annual sessions of the Legislature Read 1st & 2nd

times and referred to Judiciary committee

The following communication was received from the Superintendent of the Deaf and Dumb asylum

Austin Nov. 18. 1861.

Hon Jno M Crockett.
President of the Senate

Dr. Sir,

The Senate is respectfully invited to attend the examination of the pupils of the Institution for the deaf and Dumb in the Hall of the House of Representatives to morrow Tuesday Nov 19. Commencing at 7½ oclock P. M.

Very Respectfully
Your obt servt
J. Van Nostrand
Superintendent

On motion of Mr. Durant the Senate adjourned until to morrow morning 10 oclk.

Tuesday Nov. 19. 1861.

Senate met pursuant to adjournment. Prayer by the chaplain, Roll called, quorum present. The journal of Yesterday was read and adopted.

Mr. Branch chairman of the committee on Education reported a substitute for a bill for the endowment of professorships in colleges in Texas and recommended its passage.

Mr. Erath chairman of the committee on Public Lands reported a bill granting lands to the Soldiers of Texas with a recommendation that it do not pass.

Mr. Parsons chairman of the committee on Internal Improvements reported a bill for the benefit of irrigable property and recommended its passage

Mr. Leary chairman of the committee on Militia and Military affairs reported a substitute for a (bill) joint Resolution authorizing the Governor to appoint agents to receive and forward contributions to soldiers and recommended its adoption and passage.

Mr. Dickson introduced a bill to provide for the payment of the war tax to the Confederate States of America. Read 1st & 2nd time and referred to committee on Confederate relations

Mr. Scarborough introduced a Bill for the relief of Charles Stillman. Read 1st & 2nd time and referred to committee on claims and accounts.

Mr Graham introduced a Bill for the relief of Samuel Bridges. Read 1st & 2nd time and referred to committee on claims and accounts.

Mr. Erath offered the following resolution "Resolved that with the concurrence of the House the two houses will adjourn sine die on Monday the 16th. December 1861." Laid on table for one day without action.

The following communication from the Treasurer was read:

Treasurers office
Austin Nov. 18. 1861

Hon Jno M. Crockett
President of the Senate

Sir

In response to the call of the

Hon Senate I herewith furnish a statement of the funds and their character now in the Treasury, also a statement showing the several amounts due the State by the different rail road companies

Very Respectfully Yr. obt. servt.
E. H. Randolph.
Treasurer

see page 162 of this book

The statement of funds was referred to Finance committee and the statement of amounts due by Rail Road companies to committee on Internal Improvements

Mr. Hartley presented the memorial of the Mayor and council of the City of Galveston. Referred to committee on Military affairs.

On motion of Mr. Craft the rule was suspended and the report from the committee on Military affairs on the joint resolution authorizing the Governor to appoint agents to receive and forward contributions to soldiers was taken up. The substitute reported was adopted

Mr. Harcourt offered the following amendment. insert after the words "during the present war" "and subject to removal by the Governor for failure to perform the service contemplated in this joint resolution" adopted.

Mr. Craft moves to amend by adding after the word "Government" the words "or means if necessary" adopted.

Mr. Hartley moved to substitute as follows: "That the Governor be and is hereby authorized to appoint agents to forward clothing and other necessaries to our soldiers and to furnish the expenses of forwarding such clothing and necessaries to said agents out of any money appropriated therefor" lost.

Mr. Harden moves to amend by striking out of 4th line 1st Section the words "in this State" adopted and bill ordered to be engrossed Rule suspended read 3rd time and passed.

On motion of Mr. Scarborough the Senate adjourned until 10 oclock A. M. to morrow.

Wednesday November 20. 1861

Senate met pursuant to adjournment. Prayer by the Chaplain. Roll called quorum present. The journal of yesterday was read and adopted.

Mr. Reed presented the petition of sundry citizens of Blanco County and by leave introduced a Bill to create the county of Kendall and to change the boundaries of Blanco and Kerr counties Read 1st & 2nd time and referred with petition to committee on County Boundaries.

A message was received from the House transmitting the following bills which had passed that body. Bill to repeal an act to authorize the County Court of Nueces County to levy a special tax approved Febry 11. 1860. Bill to extend the time for the return of preemption field notes and to pay the dues thereon. A Bill defining the pay of State Troops under the command of Col John S. Ford

Mr. Burnett presented the petition of C. H. Davis which was referred to the committee on public lands.

Mr. Boyd chairman of the committee on Roads Bridges and ferries reported a Bill to amend the 3rd section of an act to incorporate the Dallas Brdg. Company and recommended its passage.

Mr. Crayford of Jasper chairman of committee on Engrossed bills reported Joint Resolution relating to the transportation of contributions to the soldiers of Texas correctly engrossed.

Mr Durant chairman of the committee on Confederate relations reported a Joint Resolution which had been referred to that committee and recommended its passage.

Mr Hartley chairman of the committee on State affairs reported a Bill for the exemption of two thousand dollars worth of property of the soldier while in service from taxation and recommended that it be referred to the committee on finance and on motion of Mr Shepard the report was adopted. Also a substitute for a bill to procure the investigation of the rights of the State to the Salt Lake known as El Sal del Rey in Hidalgo County Texas and recommended its adoption and passage.

Mr Giddings chairman of the committee on Claims and accounts reported a bill for the relief of Charles Stillman and recommended that it do not pass because the evidence is insufficient

Mr Harcourt chairman of Judiciary committee made the following report. "The Judiciary committee have considered a Bill for the relief of Hon A W O Hicks and direct me to report the same back to the Senate and recommend its passage. The object of the bill is to authorize and direct the State Treasurer to pay over to the said Hicks 1000$ the balance due him as a judge of the district court. This amount has been withheld by the Treasurer on account of a report made to him by the Chief Justice of Sabine and San Augustine Counties notifying him that Judge Hicks had failed to hold the Spring term 1861 of the District Court for said Counties under the provisions of the law of December 30th 1840.

The committee have inquired into the cause of the failure to hold said courts and ascertain the facts to be that Judge Hicks was a delegate to the late Convention held in the city of Austin which passed the ordinance of secession; that he did not return to his district in time to hold the court in Sabine County and was notified by the representative from that county that the citizens did not desire or expect him to hold the court. In the county of San Augustine he organized the court, but transacted no business because the attorneys and parties litigant requested a general continuance of all the business on the docket. For these reasons the committee are of opinion that Judge Hicks was guilty of no dereliction of duty in failing to hold the courts above referred to."

Mr Shelley introduced a Bill to incorporate the Austin Hook and Ladder fire company. Read 1st & 2nd time and referred to committee on State affairs.

Mr Giddings offered the following resolution "Resolved that it is the sense of the Senate that the State Tax should be increased to Twenty five cents on the hundred dollars in order to raise a sufficient revenue to sustain the credit of the State and that the finance committee be instructed to cooperate with the same committee on the part of the House and inquire into the expediency of so increasing the taxes and that the passage of this resolution be communicated to the House."

Mr Hartley offered the following amendment "and that it is the opinion of this Senate that the State Treasury warrant should be made receivable for taxes"

On motion the resolution and amendment were made the special order for Monday the 25th inst at 11 oclk A. M.

Mr. Crawford of Bastrop introduced a Bill to authorize the Governor to appoint an agent for the Alabama and Coushatta Indians and to make an appropriation for the same. Read 1st & 2nd times and referred to committee on Indian affairs.

Mr. Shelley presented petition of sundry citizens of Bexar County asking to be attached to Hays County. Read and referred to committee on Counties & County boundaries.

Mr. Crawford of Jasper introduced a Bill to legalize the official acts of the several civil officers of the State in Newton County Read 1st & 2nd times and referred to committee on State affairs.

Mr. Dickson introduced a Bill for relief of the minor heir of N. B Cooper. Read 1st & 2nd time and referred to committee on Private Land Claims.

Orders of the Day.

A Bill for the endowment of professorships in colleges. Read 2nd time. On substitute of committee on Education adopted.

Mr. Parsons offered the following amendment "Provided that all log cabin or frame school houses shall be entitled to one fourth of the amount herein provided for first class seminaries"

Mr Harcourt offered the following amendment "Provided that the location under the provision of this act shall be made upon that portion of the public domain heretofore ceded to the United States."

Mr. Selman moved to postpone the further consideration of the subject until 11 oclock Wednesday - Carried.

A Bill granting land to the soldiers of Texas on the report of the committee on Militia and military affairs recommending that it do not pass was read 2nd time and on motion of Mr. Finley the Senate adjourned until 10 oclk A.M. to morrow.

Thursday November 21. 1861

Senate met pursuant to adjournment. Prayer by the Chaplain - roll called Quorum present. The journal of yesterday was read and adopted.

Mr. Dickson presented the petition of W.M. Burke asking remuneration for a horse &c refrd to committee on claims and accounts

Mr. Harcourt chairman of the Judiciary committee reported a Bill to amend the 2nd and 3rd section of an act to provide for the payment of grand and petit jurors passed February 1861 and recommended its passage.

also a Bill to prevent the emancipation of slaves with a recommendation that it do not pass because legislative action on that subject is unnecessary, there being a constitutional provision relative thereto.

also a Bill to amend the 110th section of an act to regulate proceedings in the county Courts pertaining to estates of deceased persons passed Mar. 20. 1848 recommending substitute therefor and its adoption and passage.

Also a Bill for relief of Samuel Everett recommending its passage upon his petition to said committee referred.

Mr. Harcourt also made the following report: "The Judiciary committee to whom was referred a Bill to extend the lien of judgments hereafter to be rendered in the several courts of this State and to delay the issuing of Executions until Twelve months after the war have duly considered the same and a majority of the committee have instructed me to report the accompanying substitute "suspending all laws for the collection of debts during the present war" and to recommend its passage.

It is proper for me to say that the committee were nearly equally divided upon the question of reporting favorably upon this bill. I regret that I cannot yield my assent to the recommendation of a majority of the committee in relation to the passage of the bill. From the examination I have given the subject I am of opinion that the bill so materially impairs the obligation of Contracts as to bring it within the prohibition of the Constitution

I know that the present depressed condition of the country demands some

legislative relief and my own feelings prompt me to favor any measure of that description that does not come within the Constitutional prohibition. If the Bill under consideration was in fact only changing the remedy upon contracts heretofore entered into it would not perhaps be obnoxious to Constitutional objections but it seems to me to do more than change the remedy when it denies all remedies to enforce contracts until six months after the termination of the war.

The extent of this restriction no one now can foresee. It may be for ten or twenty years, at which time no trace may be found of either debtor or his property. In such an event the contract would not only be impaired, it would be rendered valueless. From the authorities it will be found that the Courts treat the substantial remedy provided by the laws in existence at the time of the formation of the contracts as a material part of the contract and that any legislation which materially impairs the scope or efficiency of that remedy, just so far impairs the contract."

Mr. Branch introduced a Joint Resolution authorizing the Governor to purchase arms and ammunition Read 1st & 2nd time and referred to committee on Militia and Military affairs

Mr. Leasey introduced a Bill for the relief of the heirs of Sanford Holman. Read 1st & 2nd time and referred to committee on private land claims.

Mr. Durant introduced a Bill to abolish the court of claims and to provide for the transfer of its business to the commissioner of the General Land office. Read 1st & 2nd time and referred to the joint committee on the court of claims.

Mr. Gwinn moved to take up report of Judiciary committee on a Bill to extend the lien of judgments hereafter to be rendered in the several courts of this State until twelve months after the war and to have one hundred copies printed for the use of the Senate. carried.

A message was received from the Governor which was read and referred to the committee on State affairs.

On motion of Mr. Shepard Mr. Jordan was added to the committee on Internal improvements.

A message was received from the House announcing the passage of the following bills.

Bill to repeal an act to authorize the County court of Rusk county to levy a special tax approved Febr 11. 1860 Read 1st & 2nd time and referred to committee on Counties and County boundaries.

Bill defining the pay of State troops under the command of Col. John S. Ford. Read 1st & 2nd times, and referred to committee on Militia and Military affairs.

Bill to extend the time for the return of preemption field notes and to pay the dues thereon Read 1st & 2nd time and referred to the committee on public lands.

Bill to provide for the sale of certain property belonging to the State and for the payment therefor in money or treasury warrants. Read 1st & 2nd time and referred to the committee on Militia and Military affairs.

Bill to pay the per diem of the members and officers of the 9th Legislature of the State of Texas. Read 1st time Rule suspended Read 2nd time Rule sus. Read 3rd time passed.

Joint Resolutions welcoming Mrs Price to the State of Texas and tendering her the hospitality of the same, On Mr. Shephards motion Rules suspended and passed.

On motion of Mr. Gwinn Mr. Selman was added to the committee on finance.

Mr. Hartley introduced a Bill to amend the 11th Section of an act to incorporate the Trinity valley rail road Company. Read 1st & 2nd time and referred to committee on internal improvements

Mr. Shelley introduced a Bill to authorize and require the Comptroller to audit

and settle the accounts of Quartermasters appointed for the several camps of instruction organized by order of the Governor and to authorize said Quartermasters to pay over money in their hands. Read 1st & 2nd time and referred to committee on Military affairs.

On motion of Mr. Shepard the bill granting 160 acres of land to the soldiers of Texas was made the special order for 7 o'clk P. M. and on motion the Senate adjourned until that hour.

7 o'clk P. M.

Senate met - roll called. quorum present.

On motion Mr. Raiden was excused from attendance on account of indisposition.

On motion of Mr. Durant Mr. Shelley was added to the committee on Military affairs.

Upon a motion to lay on the table the report of the committee on the bill granting lands to the soldiers of Texas. The yeas and nays stood thus,

Yeas Messrs Boyd, Burnett, Casey, Crawford of Jasper, Dickson, Durant, Graham, Houston, Moore, Obenchain, Parsons, Reed, Selman, Shelley, Weatherford, and Wheeler 16.

Nays. Messrs Batte, Brand, Cook, Crawford of Fannin, Craft, Finley, Gurin, Harcourt, Hartley, Jordan, Lea, Mitchell, Scarborough, Shepard 14.

Mr. Gurin offered the following amendment "Provided that the benefit of this act shall extend to all soldiers from any state of the Confederacy who may serve in Texas in case said state is invaded"

Mr. Selman offered the following to the amendment "Provided the State from which said soldier may come will donate to our soldiers the same amount of money or property we give to "said"

Mr. Casey offered a substitute for the bill and amendments, setting apart Twelve million of acres of the public domain for the benefit of the soldiers of Texas in the present war.

On motion the bill amendments, and substitute were referred to Committee on Militia and Military affairs.

Mr. Selman moved that the Sergeant at Arms have leave of absence for one week by leaving a deputy to perform the services of the office. Carried.

Mr. Hartley by leave introduces a bill to create a Hospital fund to be expended for the benefit of the sick and wounded soldiers in the Confederate army from the State of Texas - Read 1st & 2nd times and referred to the committee on Military affairs

On motion of Mr. Weatherford the Senate adjourned until 10 o'clk A. M. to morrow.

Friday November 22. 1861

Senate met pursuant to adjournment. Prayer by the Chaplain. Roll called quorum present

Mr. Reed chairman of the committee on Counties and County Boundaries reported a Bill to create the County of Kendall and change the boundaries of Blanco and Kerr counties and recommended its passage.

Mr. Weatherford introduced a Bill for relief of Hon Nat. M. Burnett of 16th Judicial district Read 1st & 2nd time and referred to Judiciary committee

On motion of Mr. Gurin Mr. Harcourt and Mr. Shelley were added to the committee on the Court of Claims

On motion of Mr. Branch Mr. Cook was added to the committee on Militia and military affairs. and on Mr. Heatherfords motion Mr Burnett was added to the same committee.

Orders of the day.

Resolution to adjourn sine die on 16. december having been read Mr. Grimm moves to postpone Until Saturday the 14th december upon which the yeas and nays were as follows.

Yeas. Messrs Batte Cook Durant Graham Grimm Harcourt Hartley Houston Jordan, Kea, Mitchell, Moore, Obenchain, Parsons, Reed, Scarborough Selman Shelley, 18.

Nays. Messrs Boyd, Branch Burnett Casey Crawford of Jasper Glasscock Glick son Erath Finley Shepard Heatherford & Wheeler 12

A Bill to enable I McSaunders Guardian &c to remove the property of his wards from the State of Texas Read 2nd time and passed to a 3rd reading.

Joint Resolution requesting our Senators and representatives in Congress to procure the passage of a law to pay deputy Marshals the balance due them for taking the Census was read 2d time and ordered to be engrossed.

A Bill to amend the 3d section of an act to incorporate the Dallas bridge Company. Read 2nd time and ordered to be engrossed.

A message was received from the House informing the Senate of the passage of the following Senate bills:

A Bill to amend art. 284 of the Penal Code.

A Joint Resolution authorizing the Governor to appoint agents to receive and forward clothing and other necessaries contributed for the soldiers of Texas and to prescribe their duties.

House bill to amend the 10th & 23d sections of an act to reduce into one and to amend the several acts concerning executions passed Jany 27. 1842

Bill making an appropriation of Eight thousand dollars to defray the Contingent expenses of the 9th Legislature.

A Bill for the benefit of irrigable property. Read 2nd time and ordered to be engrossed

A Bill for the relief of A. W. O. Hicks Read 2nd time. Mr. Burnett offered the following amendment "Strike out 1000 and insert 500" Laid on table.

Mr. Burnett then moved to amend by deducting such sum as Judge Hicks received for his per diem as a member of the Convention" Mr Finley moved the previous Question. The yeas and nays on the engrossment of the bill was then taken and stood Nine.

Yeas Messrs Batte, Casey Cook Crawford of Jasper, Durant, Erath Finley Grimm, Harcourt, Hartley, Houston Kea Mitchell Moore, Obenchain, Parsons Reed, Scarborough, Selman, Shelley, Shepard, & Wheeler 22.

Nays, Messrs Boyd Branch, Burnett, Crawford of Fannin, Glasscock Durant Graham, Jordan & Heatherford 9.

Mr. Hartley Chairman of the committee on State affairs by leave reported a substitute for a bill to legalize the official acts of the Civil officers of Dawson County and recommended its passage.

A Bill for relief of Charles Stillman Read 2nd time Report of Committee recommending its rejection adopted.

A Bill to procure the investigation of the rights of the State to the salt Lake known as El Jaal Del Rey Read 2nd time substitute reported by Committee on State affairs adopted and re referred to committee on State affairs.

A bill to provide for the sale of certain property belonging to the State of Texas Read 2nd time and on motion of Mr. Shelley laid on table.

Mr. Finley offered the following resolution "Resolved that the Governor be respectfully requested to have all powder now stored within the Capitol removed therefrom to the State arsenal or other safe place remote from the Capitol" adopted.

Mr. Erath offered the following resolution "Resolved that the Governor be requested to furnish the Senate all information in relation to treaties entered into with an Indian tribes near our frontier" adopted

On Mr. Shelleys motion Senate adjourned until 10 o'clk A. M. to-morrow

Saturday November 23. 1861

Senate met pursuant to adjournment Prayer by the Chaplain - roll called - quorum present. The journal of the preceding day was read and adopted.

Mr. Gunn presented petition of citizens of Nacogdoches County asking charter for a Bridge at Linwood. Referred to Committee on Roads Bridges and Ferries.

Mr Baltte presented petition from and introduced bill for the relief of heirs of James McLarson. Read 1st & 2nd time and referred to committee on private land claims.

Mr. Branch chairman of committee on Education reported a bill to amend the charter of the Waco Classical School and recommended its passage.

Mr. Crawford of Jasper chairman of the committee on Engrossed Bills reported the following correctly engrossed:

Bill for the benefit of irrigable property; Bill for the relief of A. A. Sicks, Bill to amend the third section of an act to incorporate the Dallas Bridge Company and Joint Resolution requesting our Senators and representatives to procure the passage of an act to pay deputy Marshals the balance due them for taking the Census,

Mr. Erath chairman of Committee on public lands reported back to the Senate the petition of E. L. Davis and asked that it be referred to the committee on private land claims. Report adopted.

Mr. Harcourt chairman of the Judiciary Committee reported the following bills and recommended their passage, Bill to amend the first section of the act of limitations approved 5th February 1841; Bill to amend the 16th section of an act regulating elections approved March 16. 1848 and Bill to authorize the County Court of Angelina County to regulate the pay of the Sheriff therein in certain Cases.

Mr. Hartley Chairman of the Committee on State affairs reported a Bill to incorporate the Austin Hook & Ladder Company No 1. and recommended its passage.

Mr. Reed introduced a Bill to repeal the 2nd section of an act authorizing unpaid warrants on the Treasury to bear interest. Read 1st & 2nd time and referred to Judiciary committee

Mr. Graham introduced a Bill supplemental to an act to incorporate the West port Bridge Company passed 11. Febry 1861. Read 1st & 2nd time and referred to Committee on Roads Bridges & ferries

Mr. Hartley introduced Bill to exempt the members of the fire department of the City of Galveston from military duty. Read 1st & 2nd time &

referred to committee on militia and military affairs.

Orders of the day

A Bill to provide for the sale of certain property belonging to the State and for the payment therefor in money or treasury warrants.. read 2nd time and passed to 3rd reading.

Mr. Durant chairman of the Committee on Confederate relations by leave reported a Bill to provide for the payment of the war tax and asked to be discharged from its further consideration recommending its reference to the Committee on Finance. Report adopted on motion of Mr. Dickson.

Mr Burnett chairman of the Committee on Enrolled Bills reported the following bills correctly enrolled, properly signed and presented to the Governor for approval Bill to amend article 287 of the penal code. Joint Resolution authorizing the Governor to appoint agents to receive and forward clothing blankets and other necessaries contributed for the soldiers of Texas and to prescribe their duties.

A Bill to amend the 110th section of an act to regulate proceedings in the county Courts pertaining to estates of deceased persons Read 2nd time the substitute reported by the Judiciary Committee was adopted and ordered to be engrossed.

Bill reported by the Judiciary Committee for the relief of Jno. Everett Read 1st time

A Bill to amend the 2nd & 3rd sections of an act to provide for the payment of Grand and petit jurors. Read 2nd time.

Mr Finley moved to amend by striking out "Five dollars" wherever the same occurs in the bill and insert "Three dollars"

Mr. Gunn called for a division of the question. The motion to strike out was put and carried

Mr. Burnett moved to indefinitely postpone the bill, whereupon the Ayes and Nays stood thus.

Ayes. Messrs Battle, Boyd, Branch, Burnett, Crawford of F Crawford of J. Harden, Durant, Craft, Hartley, Jordan, Lea, Moore, Obenchain, Reed, Shepard & Weatherford 17.

Nays, Messrs Casey, Dickson, Finley, Graham, Harcourt, Houston, Mitchell, Parsons, Scarborough, Selman, Shelley & Wheeler 13.

The report of the Judiciary Committee on a Bill to prevent the emancipation of slaves recommending that it do not pass was adopted.

A Bill suspending all laws for the collection of debts during the existence of the present war between the Confederate States and the United States of America. Read 2nd time

Mr. Crawford of offered the following amendment viz in 5th line after the word "officers" "any species of indebtedness to the state by individuals or corporations"

Mr. Selman by leave offered the following amendment Section 9. The benefit intended to be secured to debtors by this act shall not extend to any debtor or persons until he she or they shall have paid off and discharged to the holder all interest that may have accrued on any bond, bill mortgage promissory note or other evidences of debt due and owing by such person or persons or which may become due and in order to allow sufficient time for the payment of the same no suit for the collection of money shall be inhibited until after the first day of April A.D. 1862 and any person or

persons wishing to secure the further benefit intended by this act may do so upon the annual payment of such interest on or before the first day of April in each year until Six months after a declaration of peace between the United States and the Confederate States of America, and provided further that any person or persons owing money by account may secure the benefit of this act by his her or their promissory notes for the same within three months after such account becomes due and payable"

The bill and amendments were then made the special order for Tuesday the 26th inst at 11 oclk A. M.

House bill to enable I. H. Saunders guardian &c to remove the property of his wards from the State of Texas. Read 3rd time & passed.

House bill making an appropriation of Eight Thousand Dollars to defray the Contingent expenses of the 9th Legislature, Read 1st & 2nd times and referred to the Committee on Finance.

House bill to amend the 10th & 23rd sections of the act to reduce into one and amend the several acts concerning executions passed January 27. 1842 Read 1st & 2nd times and referred to Judiciary committee

Mr. Burnett by leave, introduced a bill authorizing service upon defendant in District Courts by leaving a copy of citation at the usual place of abode of the defendant. Read 1st & 2nd time and referred to Judiciary committee

A Bill to create the County of Kendall and to define the boundaries of Blanco and Kerr counties. Read 2nd time and on motion of Mr Hamilton referred to the Judiciary committee.

A Bill for the relief of A. M. A. Hicks. Read 3rd time and passed by the following vote.

Yeas, Messrs Battle, Harcourt, Hartley, Casey, Cook, Crawford of Jasper, Harden, Erath, Gunn, Houston, Lea Mitchell, Moore Obenchain Scarborough, Shelley Shepard & Wheeler 19.

Nays, Messrs Boyd, Branch. Burnett Crawford of Fannin, Dickson, Durant, Graham, Jordan, Reed, Selman & Weatherford 14.

Bill to legalize the official acts of the civil officers of Newton County Read 2nd time, substitute of Committee on State affairs adopted and ordered to be engrossed.

A Bill to amend the 3rd section of an act to incorporate the Dallas bridge Company. Read 3rd time and paked by the following vote,

Yeas, Messrs Boyd, Branch, Burnett, Casey, Cook, Crawford of Jasper, Dickson, Durant, Erath, Graham, Gunn, Harcourt Hartley, Houston, Jordan, Lea, Mitchell, Obenchain, Reed, Scarborough, Selman, Shelley, Shepard, Weatherford & Wheeler 26.

Nays. None.

A Bill for the benefit of irrigable property. Read 3rd time and passed On Mr. Burnetts Motion the Senate adjourned until Monday 10 oclk A. M.

Monday November 25th 1861

Senate met pursuant to adjournment. Prayer by the Chaplain. Roll called. Quorum present. The journal of Saturday was read and adopted.

Mr. Harcourt chairman of the Judiciary committee reported a substitute for a bill granting certain powers to the mayor of the town of Monticello in Titus County, and recommended its adoption and passage;

Mr. Casey Chairman of the Committee on Militia and military affairs reported and recommended the passage of a Bill to authorize and require the Comptroller to audit and settle the accounts of Quarter Masters appointed for the several camps of instruction authorized by order of the Governor and to authorize said quarter Masters to pay over any money in their hands to the Chief Justices of the Counties authorizing supplies to said Camps in proportion to their respective contributions.

Mr. Crawford of J. introduced a bill to raise jurors fees to two Dollars per day and to pay them ten cents per mile for going to and returning from the Courthouse. Read 1st & 2nd time and referred to Committee on State affairs

Mr. Burnett introduced a Bill for the relief of Preemption Settlers. Read 1st & 2nd time and referred to the Committee on public lands

On motion of Mr. Jordan Mr. Moore was added to the committee on Militia and Military affairs.

A message was received from the Governor which on motion of Mr. Cook was referred to the Committee on Indian affairs.

Orders of the day

A Bill granting preemption privileges to actual settlers, Read 2nd time and on Mr. Grahams motion made the special order for Monday next at 11 oclk A. M.

A Bill to provide for the sale of certain property belonging to the State and for the payment therefor in money or treasury warrants. Read third time and passed.

A Bill to amend the Charter of the Waco Classical school. Read 2nd time and ordered to be engrossed.

A Bill to amend the 9th Section of the act of limitations approved 5th Febry 1841 Read 2nd time

Mr. Shelley moved to amend by striking out "Eight Years" and inserting "Six Years"

Mr. Hartley moved to lay the bill and amendment on the table upon which the Yeas and Nays were as follows.

Yeas. Messrs Branch, Cook, Darden, Dickson, Durant, Finley, Graham Hartley, Jordan, Lea, Scarborough, Selman, Shepard & Wheeler 14

Nays, Messrs. Batte, Boyd, Burnett, Crawford of T. Crawford of J. Crabb, Guinn Harcourt, Houston, Mitchell, Moore, Ochiltree, Parsons, Reed, Shelley and Weatherford. 16.

Mr. Shelleys amendment was then adopted.

Mr. Hartley moved to reconsider the vote which refused to lay the bill on the table. carried

Mr. Harcourt moved to lay the amendment on the table which was carried by the following vote.

Yeas. Messrs Batte, Branch, Crawford of J. Durant, Crabb, Guinn Harcourt, Hartley, Houston, Jordan, Mitchell, Moore, Ochiltree, Parsons Selman 13.

Nays. Messrs Boyd, Burnett, Casey, Cook, Crawford of T. Darden, Dickson, Finley, Lea, Scarborough, Shelley, Shepard, Weatherford & Wheeler 13

The President voting Yea.

Mr. Finley moved to strike out in the 19th line the word "servants" and insert "agents" adopted.

Mr. Hartley moved to strike out "three years" and insert "four years" on accounts. Lost

Mr. Guinn moved a division of the question. The yeas and nays on striking out were as follows.

Yeas, Mesrs Branch, Cook, Crawford of St. Darden, Dickson, Durant Finley, Hartley Jordan Yea, Mitchell, Moore, Reed, Scarborough, Shepard & Wheeler 16.

Nays. Mesrs Batte, Boyd, Burnett, Casey Crawford of J. Craft Guinn Harcourt Houston, Abenchain Parsons, Selman, Shelley, & Weatherford 12.

Mr. Shepard moved to indefinitely postpone the bill which was carried by the following vote

Yeas, Mesrs Branch Burnett, Cook, Darden, Dickson, Durant, Graham Hartley, Jordan Yea, Moore, Reed, Scarborough, Shepard Weatherford & Wheeler. 16

Nays, Mesrs Batte, Boyd, Casey, Crawford of J. Crawford of St. Craft Finley, Guinn Harcourt Houston, Mitchell, Abenchain, Parsons, Selman & Shelley 13.

Mr Crawford of J chairman of the Committee on Engrossed bills reported a Joint Resolution legalizing the official acts of certain officers of New Co. County properly engrossed.

Mr. Guinns resolution relative to increasing the tax from 25 cents to 50 cents on the 100$ worth of property. was referred to the Committee on finance

A Bill to amend the 16th Section of an act regulating elections approved 16th March 1878 Read 2nd time.

Mr. Finley offered the following amendment. "Provided that in case of election to fill vacancies the Chief Justice who may be the returning officer for the district shall open the returns on the tenth day after the election and issue his certificate in accordance therewith" On Mr. Shelleys motion the bill and proposed amendment were rereferred to the Judiciary committee

A Bill to authorize the County Court of Angelina County to regulate the pay of the Sheriff therein in certain cases. Read 2nd time. Mr. Hartley moved to strike out 2nd Section

Mr. Crawford of Draper moved to lay the motion on the table. upon which the yeas and nays stood thus.

Yeas, Mesrs Boyd Branch, Burnett, Casey Cook Crawford of Darnin Crawford of J. Dickson Durant, Mitchell, Reed, Shelley, Shepard Weatherford & Wheeler 15.

Nays, Mesrs Batte, Darden, Finley, Graham Guinn, Harcourt, Hartley Houston, Jordan, Yea Moore, Scarborough, & Selman 12. The bill was then ordered to be engrossed.

A Bill to legalize the official acts of the Civil officers of Newton County. Read 3rd time and passed.

A Bill to incorporate the Austin Hook & Ladder company Read 2nd time Mr. Shelley moved to amend by striking out the word "actual" and inserting "active" carried and bill ordered to be engrossed.

Mr. Guinn by leave introduced a Bill granting Solomon Wolfe the privilege of constructing a toll bridge across the Angelina River, Read 1st & 2nd time and referred to committee on Roads bridges and ferries.

Mr. Dickson by leave introduced a Bill to authorize the Governor to appoint commissioners of deeds in the Choctaw and Chickasaw nation

of Indians Read 1st & 2nd times and referred to Judiciary Committee.

Mr. Hartley Chairman of the committee on State affairs by leave reported a Bill and accompanying document together with the Governors message on the subject of a Hospital fund for the benefit of the sick and wounded soldiers of the State of Texas in the Confederate army and asked that it be referred to the committee on Militia and military affairs. Report adopted.

Mr. Crawford of J. offered the following resolution "Resolved that a committee of nine be appointed by the President to be called the committee on Agricultural affairs" Laid over one day.

On motion of Mr. Gunn the Senate adjourned until to morrow 10 oclk A. M.

Tuesday November 26 1861

Senate met pursuant to adjournment. Prayer by the chaplain. Roll called. Quorum present. The journal of yesterday was read and adopted.

Mr. Parsons presented the petition of James B. Arnold president of the Eastern Texas Rail Road company which was referred to the committee on Internal Improvements.

Mr. Rea chairman of the committee on Finance made the following report:

For this report see page 162 of this book

Mr. Cook chairman of the committee on Indian affairs reported a Bill to authorize the Governor to appoint an agent for the Alabama and Coshatta Indians, and recommended its passage.

Mr. Crawford of J. chairman of the committee on Engrossed bills reported as correctly engrossed the following. Bill to authorize the County Court of Angelina County to regulate the pay of the Sheriff in certain cases. Bill to incorporate the Austin Hook and Ladder company. Bill to amend the 110th section of an act to regulate proceedings in the county court pertaining to estates of deceased persons passed march 20 1848 & Bill to amend the Charter of the Waco classical school.

Mr. Hartley chairman of the committee on State affairs reported a Bill to raise the pay of jurors and recommended its rejection

A message was received from the House announcing the passage of the following bills

Joint Resolution proposing an amendment to the State Constitution Read 1st & 2nd times and referred to Judiciary committee.

A Bill to incorporate the Rio Grande female institute Read 1st & 2nd time and referred to committee on Education

A Bill relating to forfeitures of bail bonds in certain cases and recognizances in cases of misdemeanor. Read 1st & 2nd time and referred to committee on Judiciary

A Bill to amend an act to incorporate the Jefferson insurance company. Read 1st & 2nd time and referred to Judiciary committee.

A Bill to define the time of holding courts in the 19th Judicial district. Read 1st & 2nd time and referred to Judiciary committee.

A Bill concerning Commissioners courts Read 1st & 2nd time and referred to Judiciary Committee

A Bill in relation to recognizances in Criminal cases for certain cases Read 1st & 2nd time and referred to Judiciary committee

A Joint Resolution in relation to the supervision of the Custom Houses &c. Read 1st & 2nd time and referred to the Committee on Confederate relations.

A Bill for the relief of John Henderson. Read 1st & 2d. time and referred to committee on Private Land claims.

A Bill to amend the 23. Section of an act to regulate proceedings in the County Courts relating to guardians and wards approved March 20. 1846 Read 1st & 2nd time and referred to committee on Judiciary

A Bill to protect the mod growing interest of Texas. Read 1st & 2nd time and referred to committee on State affairs.

A Bill for the relief of Wm B. Green. Read 1st & 2nd time and referred to committee on private land claims.

A Bill to change the names of the counties of Jas and Buchanan. Read 1st & 2nd time and referred to committee on Counties and County boundaries.

A Bill to amend the 2nd & 3rd sections of an act authorizing C. C. Rennett of Gonzales County to erect a bridge across the Guadalupe river &c. 1st & 2nd times and referred to committee on Roads Bridges and ferries.

A Bill for the relief of the heirs of Sam Beard. Read 1st & 2nd time and referred to committee on private land claims

A Bill legalizing the action of various county courts in issuing bonds for military purposes and providing a tax for the redemption of the same, Read 1st & 2nd time and referred to committee on Judiciary

Senate Bill supplemental to an act authorizing the issuing of duplicate land warrants discharges and duplicate head right claims was announced as having passed the House also

Senate Bill to amend the 1st section of the act of May 12. 1846 to regulate the licence and practice of attorneys and counsellors at law

Mr Groth introduced a Bill making an appropriation for the payment of services of the commissioners sent by the convention to the various tribes of friendly Indians. Read 1st & 2nd time and referred to the committee on claims and accounts.

Mr Hartley moved to reconsider the vote which indefinitely postponed a Bill to amend the act of limitations and moved to lay the motion on the table until Friday next 11 o'clk A. M. Carried.

Mr Leary introduced a Bill to amend the 1st section of an act to restore land sold for taxes to the former owners on certain conditions. Read 1st & 2nd time and referred to committee on finance

Mr Burnett introduced a Bill to reorganize the General Land office and fix the salaries of the officers therein. Read 1st & 2nd time and referred to committee on General Land office.

Bill to amend the 170th section of an act to regulate proceedings in the Co. courts pertaining to estates of deceased persons was read 3rd time & passed

Bill to suspend all laws for the collection of debts &c &c. being the special order the Senate went into Committee of the Whole Mr Malcom in the chair and after some time spent therein the committee rose reported progress and asked leave to sit again to morrow at 10 o'clk A. M. Report adopted. Motion upon on Mr Parkers motion the Senate adjourned until 10 o'clk A. M. to morrow.

Wednesday November 27 1861

Senate met pursuant to adjournment. Prayer by the Chaplain. Role called. Quorum present. The journal of yesterday was read and adopted.

Mr. Shelley presented the memorial of B.B. Kittlesage. Referred to committee on Militia and Military affairs

Mr. Harcourt Chairman of the judiciary committee reported the following bills without amendment and recommended their passage; Bill relating to forfeitures in certain cases of Bail bonds and recognizances in cases of misdemeanors

Bill to amend an act to incorporate the Jefferson insurance company;

Bill legalizing the action of various county courts in issuing bonds for military purposes and providing a tax for the redemption of the same; also the following bills with a recommendation that they do not pass: Bill concerning commissioners courts, Bill in relation to continuances in criminal cases for certain causes, Bill to regulate proceedings in the County Courts relating to guardians and wards, and the following bill with a request that it be referred to the committee on finance. which on Mr. Gunns motion was done, A Bill making an appropriation of $3000 to defray the contingent expenses of the Legislature. Also the following bills with amendments, Bill to amend the 10th & 23rd Section of an act to reduce into one and amend the several acts concerning executions passed January 27. 1842 Strike out in 6th line 2nd Sec. the words "being thereto required by the plaintiff his agent or attorney"

Bill to amend the 16th Sec. of an act regulating elections approved 16th March 1848 referred with an amendment was returned and the adoption of the amendment recommended and the passage of the bill.

A message was received from the House announcing the passage of a Bill to promote the construction of an efficient war marine by the Confederate government

Mr. Bonner Chairman of the committee on Roads bridges and ferries reported a Bill granting Solomon Wolfe the privilege of constructing a toll bridge across the Angelina River and recommended its passage.

Mr. Branch on behalf of the majority of the Judiciary committee reported a Bill for the relief of master builders and mechanics with a recommendation that it do not pass. Mr. Harcourt and Mr. Shelley made the following minority report. "A minority of the Judiciary committee ask leave to dissent from the opinion of the majority of said committee in reporting adversely to the Bill to amend an act for the relief of master builders and mechanics in Texas.

Believing as we do that there is a large and meritorious class of citizens whose rights are now unprotected by the existing law, we beg leave respectfully to submit for the consideration of the Senate the accompanying substitute for the original bill. The object sought to be attained is to give in the simplest form to the hard working mechanics who expend their labor and means in improvements on the land of others a substantial lien to secure payment for their services. Which may be done without prejudice to the rights of others if does not impair the value of the property and after the lien is satisfied leaves it subject to any prior legal incumbrance or legal process, Believing therefore that the proposed legislation is necessary we respectfully recommend the adoption of the substitute and the passage of the bill.

Signed

Jno F Harcourt
N.G. Shelley

Mr. Burnett chairman of the committee on Enrolled bills reported the following correctly enrolled properly signed and presented to the Governor for approval

Bill to amend the 4th section of the act of May 12 1846 to regulate the license and practice of attorneys and counsellors at law and to amend the 2nd section of the act of Febry 11 1837 entitled an act to amend the 9. 10 sections of an act to regulate the license and practice of attorneys and counsellors at law.

Bill supplementary to an act authorizing the issuing of duplicate land warrant discharges and duplicate headright claims upon certain conditions.

Mr. Selman introduced a joint resolution requesting our delegation in Congress to to use their influence to procure the immediate establishment of a military department for Eastern and Northern Texas. Read 1st time

On motion of Mr. Shelley a house bill to promote an efficient war marine for the Confederate States was taken up. Read 1st time Rule suspended Read 2nd time

Mr. Burnett moved to strike out "500$" and insert "2500$" On Mr. Harcourts motion the proposed amendment was laid on the table.

Mr Scarborough moved the further suspension of the rule upon which the yeas and nays were as follows.

Yeas, Messrs Borja, Branch, Cook, Crawford of Fannin, Dickson, Dunovant, Graham, Grimes, Harcourt, Jordan, Lea, Mitchell, Moore, Parsons, Reed, Scarborough, Shelley, Shepard, Weatherford and Wheeler 21.

Nays, Messrs Baltz, Burnett, Crawford of J. Harden, Finley, Obenchain and Selman 7

A Bill suspending all laws for the collection of debts &c. being the special order was considered in committee of the whole and after some time spent therein the committee rose and through the Chairman Mr. Harcourt reported progress and asked leave to sit again at 7 oclk P. M. Report adopted and on motion of Mr Parsons the Senate adjourned until 7 oclk P. M.

7 oclk P. M.

Senate met. roll called - quorum present.

A Bill suspending all laws for the collection of debts &c. was again considered in committee of the whole and after some time Mr. Harcourt chairman reported that the committee had adopted a substitute and other amendments for the perfection and asked leave to report their action for the consideration of the Senate. Report adopted. Whereupon on Mr. Parsons motion the bill was made the special order for Friday next at 10 oclk A. M.

On motion of Mr. Parsons the Senate adjourned until 10 oclk A. M. on Friday.

For the report of Joint committee on memorial of Robert Cruikshank which was read this day in connection with the bill to promote an efficient war marine &c. See page 163 of this book

Friday November 29. 1861

Senate met pursuant to adjournment - Prayer by the chaplain. Roll called - Quorum present. The journal of Wednesday was read and adopted

Mr. Branch Chairman of the committee on Education reported a bill to incorporate the Ai Grande Female Institute and recommended its passage.

Mr. Harcourt chairman of the Judiciary committee reported two bills as substitutes for the bill to create the County of Kendall and to change the boundaries of Blanco and Kerr counties and recommended their adoption and passage.

Mr. Harcourt from the committee on State affairs on behalf of the Committee

Mr reported a substitute for a Bill reestablishing the boundaries of the State of Texas and recommended its adoption and passage. On Mr Gwins motion the report was taken up, substitute adopted and 100 copies ordered to be printed

Mr Croft chairman of the committee on Indian affairs made the following report "The joint committee from both Houses on Indian affairs have had under consideration a Bill originating in the House, for the protection of the frontier and have duly examined the subject of our frontier defences and find that the Confederate troops on our frontier are stationed at a considerable distance beyond the limits of the frontier settlements and the stations too far apart; the troops are at times employed in offensive operations against the Indians while at other times they are forced to remain in considerable bodies at their stations to recruit their horses, when often the forage is inconvenient and has to be forwarded a considerable distance from the settlements. This force is well calculated to keep off large bodies of the enemy and protect the country from more formidable invasion. But the savages steal slyly in very small parties around these posts and penetrate far into the interior favored by the nature of the country; where they watch for their prey in the vicinity of the settlements, and when a chance offers commit depredations and flee with such rapidity that it seldom is possible for the white man to overtake them having generally such a number of horses as to be able to change as often as one gets tired. out killing those run down to prevent their recapture from being any benefit to their pursuers. An efficient force immediately on the borders of the settlements has been urged every Legislature. For this purpose small parties are more efficient and the present minute system was inaugurated the last extra session as a temporary remedy expecting that time would not admit to mature a proper plan. The minute system has proved unavailable from the fact that no cooperation is provided for between the different companies and the operations are left too much to the pleasure of the men. who often only turn out when it suits their convenience.

The committee are satisfied that nothing short of a plan similar to the one now proposed will even afford protection and security to the frontier settlers and their property, especially during the present war with the Federal Government. Troops should be stationed on the outskirts of the settlements at points so near each other that the distance between any two stations could be traversed every day, if only by small parties and prevent at once the ingress of the savages or if they should pass the line to be in readiness for pursuit as they attempt to escape; which position will enable the citizens to cooperate with the troops and to give information.

Believing this plan to be more satisfactory to the frontier settlers and the cheapest to the Government the committee have framed the accompanying bill and directed me to report the same to our respective Houses and to recommend its passage." Bill read 1st time

Mr Shelley introduced a Bill authorizing the survey of the Indian reservation Read 1st & 2nd time and referred to committee on public lands.

Mr Durant introduced a Bill to regulate the entry of Headrights by the County Courts of the State - read 1st & 2nd time and referred to committee on public lands.

Mr Hartley introduced a Bill for the relief of W. A. Grady. read 1st & 2nd time and referred to committee on private land claims.

Mr Burnett introduced a Bill to amend the District law. read 1st & 2nd time and referred to committee on State affairs.

A Bill to suspend all laws for the collection of debts being the special order the following amendment offered by Mr. Durant was adopted. after the enacting clause of 1st. section insert " That until the 1st. day of January 1865 or until six months after the close of the present war should it terminate before the date named or until otherwise provided by law "

Mr. Hartley offered the following amendment, strike out after "law" in 2nd line and insert "no execution or venditioni exponas shall issue on any judgment for the collection of debts except in cases of official liabilities on the part of public officers and for the collection of the interest on the money of wards loaned by their guardians"

Mr. Finley offered the following as a substitute for the 1st section and the amendment " That until the 1st day of January 1865 or until six months after the blockade shall be raised. should it be raised before the date above named or until otherwise provided by law all laws for the collection of debts and liabilities by forced sale on bonds promissory notes bills of exchange and contracts for the payment of money except in cases of official liabilities on the part of public officers and for the collection of interest on money loaned at interest by guardians belonging to their wards are hereby suspended provided that this act shall not apply to any claim or demand against alien enemies"

Mr. Burnett moved to lay the amendment and substitute on the table.

Yeas. Messrs Batte, Boyd, Burnett, Cook, Crawford of Fannin Crawford of J. Durant, Gunn Harcourt Houston Jordan, Lea, Moore, Obenchain Parsons Scarborough Shepard, and Weatherford 18.

Nays. Messrs Branch, Harden, Dickson Craft, Finley, Graham Hartley, Mitchell. Reed, Selman Shelley, & Wheeler 12,

Mr. Crawford of J. offered the following amendment See 1-4 line strike out "Official liabilities on the part of public officers" and insert "liabilities and indebtedness to the State" adopted.

Mr. Hartley offered the following amendment. after "except" in 4th line insert "where money has been received on deposit or in trust for those who may be entitled to the same" adopted

Mr. Gunn moved to strike out 6th section,

Mr. Shelley moved to adjourn until 3 o'clk P. M. lost.

Mr. Finley moved to lay Mr. Gunns motion on the table. The yeas and nays were as follows.

Yeas Messrs Boyd Branch. Finley Graham, Hartley 5

Nays. Messrs Batte, Burnett Cook, Crawford of F. Crawford of J. Harden, Dickson, Durant Craft, Gunn Harcourt, Houston Jordan Lea, Mitchell, Moore, Obenchain, Parsons, Reed Scarborough, Selman Shelley, Shepard, Weatherford and Wheeler 23

The yeas and nays were then called on the motion to strike out and stood thus

Yeas. Messrs Batte Burnett Cook Crawford of F. Crawford of J. Harden Dickson Durant, Craft Gunn, Harcourt, Hartley, Houston, Jordan Lea, Moore, Obenchain Parsons, Reed Scarborough Shepard 20.

Nays. Messrs Boyd Branch, Finley Graham Mitchell Selman Shelley Weatherford & Wheeler 10.

Mr. Parsons moved to reconsider the vote adopting Mr. Crawfords amendment. Carried.

Mr. Parsons offered the following amendment: after the word "officers" in 5th line insert "liabilities and indebtedness to the State" adopted.

On motion of Mr. Marcomb the Senate adjourned until 3 o'clk P. M.

S 3 o'clk P. M.

Senate met. roll called - quorum present.

On motion of Mr Shelby the Senate went into committee of the whole on the bill which was under consideration at the adjournment and after some time spent therein the committee rose and through the chairman Mr. Marcomb reported the bill back to the Senate and recommended its passage.

Mr. Marcomb moved to postpone the further consideration of the bill until 10 o'clk A. M. Monday. Carried.

Mr. Delmas by leave introduced a bill to provide for the sale of certain property belonging to the state now in the hands of the Adjutant General &c &c Read 1st & 2nd time.

On motion of Mr. Parsons the Senate adjourned until 10 o'clk A. M. to-morrow.

Saturday November 30. 1861

Senate met pursuant to adjournment. Prayer by the Chaplain. Roll called - quorum present. The journal of yesterday was read and adopted.

A message was received from the House announcing the passage of the following bills

Bill to change the time of holding the district courts in the counties composing the 8th Judicial District

Bill relating to the determination of cases in the supreme court.

Mr. Cra[illegible] chairman of the committee on public lands reported a bill to reduce the price of the public domain with the following amendment "strike out 2nd section." Also a Bill to regulate the issuance of Head-rights by the County courts and recommended its passage.

Mr. Marcomb chairman of the Judiciary committee reported a substitute for a bill to authorize the Governor to appoint commissioners of deeds in the Choctaw and Chickasaw nations of Indians

Mr. Gwin introduced a Bill to authorize the collection of interest on open accounts at the rate of eight per ct. per an. Read 1st & 2nd times & referred to Judiciary committee.

On motion of Mr. Hartley the vote which indefinitely postponed the bill on the statute of limitations was reconsidered: and on Mr. Marcomb's motion the consideration of the bill was postponed until the 7th day of december.

A Bill to amend the charter of the Waco classical school. Read 3rd time and passed by the following vote.

Yeas, Messrs Butler, Branch, Burnett, Cook, Crawford of J. Crawford of J. Harden, Dickson, Durant, Erath, Hunley, Graham, Gwin, Marcomb Hartley, Houston, Jordan, Lea, Moore, Oberchain, Parsons, Reed, Scarborough, Seaman, Shepard, Weatherford & Wheeler 27

Nays. Mr. Boyd 1.

A Bill to authorize the County Court of Angelina County to regulate the pay of the Sheriff therein in certain cases. Mr. Burnett moved to insert Nacogdoches County adopted. Bill read 3rd time and passed.

A Bill to incorporate the Austin Hook and Ladder fire company. Mr. Shelby moved to strike out "20" and insert "10" adopted.

The yeas and nays on the final passage of the bill stood thus
Yeas. Mess. Batte, Branch, Cook, Crawford of Ft Harden, Durant, Esat, Finley, Graham, Guinn, Hartley, Hanston, Jordan, Lea, Mitchell, Moore, Parsons, Reed, Scarborough, Selman, Shelley, Shepard, Weatherford 23
Nays. Mess Boyd, Burnett, Crawford of J. Dickson, Harcourt, Obenchain & Wheeler 7

Mr. Hartley chairman of committee on State affairs reported a substitute for a Bill to protect the wool growing interest of Texas, also the following Joint resolution proposing an amendment to the constitution with an amendment as follows. after "provided that" strike out "the principal of" and strike out all after "Counties owning the same".

Mr. Shelley by leave offered the following as a substitute for the 33rd rule of the Senate "No amendment shall be made to a bill on the 3rd reading except by a two third vote of Senators present." Laid over 1 day for consideration

Mr. Jordan by leave introduced a Bill for the relief of Rail Road companies - Read 1st & 2nd time and referred to committee on Internal Improvement

Mr Lea chairman of the committee on Finance reported a Bill making an appropriation of $8000 for contingent expenses of the Legislature with the following amendments Strike out of the caption the words "Eight thousand dollars" Strike out of the 1st section the word "eight" and insert "Four"

House bill legalizing the action of various county courts in issuing land for military purposes &c Read 2nd time, Rule suspended read 3rd time and passed.

House bill to incorporate the Jefferson fire insurance company read 2 times and passed to a third reading.

House bill relating to forfeitures on bail bonds in certain cases and recognizances in cases of misdemeanor. Read 2nd time and passed to a 3rd reading

A Bill to amend the 16th section of an act passed Mar 16 1848 regulating elections on report of Judiciary committee recommending amendments Read 2nd time, amendments adopted and bill ordered to be engrossed.

A Bill to amend the 3rd section of an act to regulate proceedings in the County Courts relating to guardians and wards approved March 20. 1848 on the report of Judiciary committee recommending that it do not pass Read 2nd time and report of Committee adopted.

A Bill to amend the 10th & 23. sections of an act to reduce into one and to amend the several acts concerning executions passed Jany 27. 1846 on the report of Judiciary committee recommending amendments. Read 2nd time, amendments adopted.

Mr Parsons moved to amend by striking out in the 2nd section the word 10 per ct and inserting 10 per ct and also the words per month

Mr. Harcourt moved to strike out 10 and insert 8 per ct per month, On motion the amendment and the amendment to the amendment were laid on the table.

Mr. Finley moved to strike out 10 and insert 6.

Mr Harden called a division of the question and on motion of Mr Branch the bill was rereferred to Judiciary committee

A Bill in relation to continuances in certain cases for certain causes on report of Judiciary committee recommending that it do not pass - Read

2nd time & Report adopted

A Bill concerning Commissioners Courts on the report of Judiciary committee recommending that it do not pass. Read 2nd time & Report adopted.

A Bill for the relief of Samuel Everett. Read 2nd time, Mr Burnett moved to refer the bill to committee on Public lands - lost. The yeas and nays were then taken on the engrossment and stood thus,

Yeas, Messrs Boyd Branch, Cook Crawford of T. Crawford of J. Harden Dickson, Durant, Craft, Graham, Harcourt, Hartley, Houston, Jordan, Mitchell Moore, Reed, Scarborough, Shelley, Shepard, Weatherford & Wheeler 22,

Nays Messrs Batte, Burnett, Finley, Guerin, Lea, & Selman 6.

On motion of Mr. Guerin the rule was suspended Bill read 3rd time. and passed. and on further motion of Mr Guerin the Senate adjourned until Monday next at 10 oclk A. M.

Monday December 2nd 1861

Senate met pursuant to adjournment. Prayer by the Chaplain - Roll called. Quorum present. The journal of Saturday was read and adopted

Mr. Durant presented the petition of Martin Clark. Referred to committee on private land claims.

Mr. Dickson presented the petition of G. T. Rankford. Referred to committee on claims and accounts.

Mr. Durant chairman of the committee on Confederate relations reported a joint resolution in relation to the suspension of Custom Houses &c and recommended its passage,

A message was received from the House announcing the passage of the following Bills

A Bill to amend an act of limitations approved Febry 5th 1841

A Bill to amend the 2. & 3 sections of an act to incorporate the Southern Cotton prest and manufacturing company approved Febry 11 1860 both of which on Mr Hartleys motion were taken up and the first made the special order for Saturday Dec 7th 1861 and the latter read 1st & 2nd times and referred to committee on State affairs

House Bill to change the time of holding the District Courts in the 8th Judicial District Read 1st & 2nd time and referd to Judiciary Committee

House bill relating to the determination of cases in the Supreme Court Read 1st & 2nd time And referd to Judiciary Committee.

Mr Crawford Chairman of the Committee on Engrossed bills reported the following Correctly engrossed

A Bill for the relief of Samuel Everett, A Bill to amend the 16th section of an act regulating elections approved 16. March 1848.

Mr Weatherford chairman of the Committee on Private and claims reported a Bill for the relief of the heirs of Charles Clark and recommended its passage.

A Bill to suspend the collection of debts being the special order was considered, Mr. Harcourt offered the following amendment "Sec 6 That during the time named in the first section of this act interest shall run and be computed upon all open accounts at the rate of ten per ct. per ann. from the first day of January next after the making of such account provided that the party holding such account shall make affidavit in writing & the correctness of the same, and provided further, that this shall

not be so construed as to determine the amount due upon such accounts"

Mr. Parsons moved to lay the amendment on the table which was carried by the following vote

Yeas. Messrs Branch, Burnett, Crawford of J. Darden, Dickson, Graham Gwinn Houston Jordan Moore Obenchain Parsons. Scarborough, Shepard & Weatherford 17

Nays. Messrs Boyd, Casey, Cook, Crawford of T. Durant, Finley, Marcom, Hartley, Lea, Mitchell, Reed, Selman & Wheeler (13)

Mr. Selman offered the following amendment. "Sec. 9. The benefit intended to be secured to debtors by this act shall not extend to any person or persons until he she or they shall have paid off and discharged to the holder all interest which may have accrued on any bond bill mortgage, promissory note, or other evidences of debt due and owing by such person or persons or which may become due and in order to allow sufficient time for the payment of the same no suit for the collection of money shall be instituted until after the 1st day of April A.D 1862 and any person or persons wishing to secure the further benefit intended by this act may do so by the payment annually of such interest on or before the 1st day of April in each year until six months after a declaration of peace between the United States and Confederate States of America and provided further that any person or persons owing money by account may secure the benefit of this act by executing his her or their promissory note for the same within three months after such account may become due and payable."

On Mr. Parsons motion the amendment was laid on the table by the following vote

Yeas, Messrs Cook, Crawford of T Crawford of J. Darden, Dickson Durant, Finley, Graham, Gwinn Houston Jordan, Lea, Moore, Obenchain Parsons, Scarborough, Shepard & Weatherford. 18.

Nays, Messrs Boyd, Branch, Casey, Marcom, Hartley, Mitchell, Reed Selman, & Wheeler 9

Mr. Gwinn offered the following substitute for the caption of the bill "a bill suspending all laws for the collection of debts and liabilities on bonds promissory notes, bills of exchange and contracts for the payment of money until the 1st day of January 1864. or until six months after the close of the present war should it terminate before the date named or until otherwise provided by law." adopted.

Mr. Finley offered the following amendment; insert after the word "Law" in 7th section as follows "Seaman or marine nor shall the family of any soldier be effected under the provisions of the law of forcible entry and detainer or landlord and tenant while said soldier seaman or marine is in the service of this State or of the Confederate States"

On Mr. Gwinn's motion laid on the table by the following vote,

Yeas. Messrs Branch Burnett, Cook Crawford of T. Crawford of J. Dickson Durant, Gwinn, Houston, Jordan Lea, Moore, Obenchain, Scarborough, Shepard & Weatherford. 16.

Nays. Messrs Boyd Casey Dickson, Finley Graham, Marcom, Hartley, Mitchell, Parsons Reed Seaman & Wheeler 12.

Mr. Dickson offered the following amendment insert in 7th line 7th section after the words "Lapse of time" the following "or when the property in real estate is liable to be depreciated in value by neglect or improper use ..

the rents and profits arrested."—

On Mr. Shepards motion the amendment was laid on the table.

Mr. Mitchell offered a substitute for the bill which on Mr. Parsons motion was laid on the table.

Mr. Harcourt offered the following amendment. "Sec. 1 That until two years from the final passage of this act or until six months after the removal of the existing blockade whichever may first occur no execution venditioni exponas or order of sale founded on any judgment or decree heretofore rendered or that may hereafter be rendered upon any indebtedness contracted previous to the passage of this act shall be issued nor shall there be any sale under any execution venditioni exponas or order of sale already issued under the judgment Creditor his agent or attorney shall endorse upon the execution venditioni exponas or order of sale that he is willing to take Confederate bonds and Treasury notes or state Bonds and Treasury warrants in satisfaction and payment of such judgment or decree." On motion of Mr. Parsons laid on the table.

Mr. Selman moved a call of the senate which was sustained. On motion of Mr Parsons the call was suspended when Mr. Rea offered a substitute for the bill. On motion of Mr Gunn the Senate adjourned until 7 o'clk P. M.

7 o'clock P. M.

Senate met. Roll called, Quorum present.

A message was received from the House announcing the passage of a substitute for Senates Bill legalizing the official acts of certain officers of Benton County.

The question being up on the adoption of Mr Reas substitute to the bill suspending all laws for the collection of debts on Mr. Gunns motion to lay on the table the yeas and nays stood as follows.

Yeas Messrs Batte Burnett Cook Crawford of ff Crawford of J. Harden Durant Craft Graham Gunn Harcourt Hinson Jordan Moore Obenchain Parsons Scarborough Shepard & Weatherford 19

Nays Messrs Boyd Branch Casey Dickson Finley Hartley Hawkins Mitchell Reed, Selman & Wheeler 11.

Mr. Gunn moved the previous question upon which the yeas & nays were as follows

Yeas. Messrs Batte Burnett Casey Cook Crawford of Benton Crawford of J. Harden Durant Craft Gunn Hinson Jordan Moore Parsons Scarborough Shepard & Weatherford, 13.

Nays Messrs Boyd Branch Cook Dickson Finley Graham Harcourt Hartley Hawkins Mitchell Reed Selman & Wheeler 13.

Mr Harcourt moved an adjournment which the president decided out of order Mr Finley appealed upon which the yeas and nays were taken as follows.

Yeas Messrs Batte Branch Burnett Casey Cook Crawford of ff Crawford of J. Harden Durant Graham Gunn Hinson Jordan, Rea Moore Parson, Scarborough Shepard & Weatherford 19

Nays. Messrs Dickson, Craft Finley Harcourt Hartley Mitchell Reed Selman & Wheeler 10. So the President was sustained

The yeas and nays were then taken on the main question and the bill was ordered to be engrossed by the following vote,

Yeas Mess Baltz, Burnett, Cook, Crawford of T, Crawford of L, Darden, Durant, Grimm, Hartley, Houston, Jordan, Moore, Parsons, Scarborough, Shepard & Weatherford 16.

Nays. Mess Boyd, Branch, Casey, Dickson, Erath, Finley, Graham, Harcourt, Lea, Mitchell, Reed, Selman & Wheeler 13.

On motion of Mr. Parsons the Senate adjourned until 10 o'clk A.M. to morrow.

Tuesday December 3 1861

Senate met pursuant to adjournment. Prayer by the Chaplain. roll called. Quorum present. The journal of Yesterday was read and adopted.

Mr. Branch presented the memorial of Geo M Paschal. in relation to a digest of the laws. Refer'd to Judiciary committee.

Mr. Harcourt chairman of the Judiciary committee made the following report. " The Judiciary committee have considered a Bill to validate and confirm the official acts of J. M Connelly sheriff of Lass. County, and direct me to report the same back and recommend that it do not pass.

The object of the bill is to legalize such official acts of the Sheriff of Lass County as were performed by his Deputy during the time that the Sheriff was holding a military appointment in the militia service of the Confed- States. Your committee are of opinion that the passage of the act proposed could not give any validity to the acts of the sheriff if they were in fact invalid on account of the Constitutional prohibition against any One person holding two offices But the acts of the Deputy may be sustained without any legislation upon the ground that he was de facto the Sheriff of Lass County, and his official acts could not be collaterally impeached."

Also, reported a bill to regulate the inspection of flour and recommend its passage with an amendment. and a Bill to amend the 10 & 23. Section of an act to reduce into one and amend the several acts concerning executions with amendment as follows recommending its adoption and the passage of the bill. Strike out the words "ten pr. Ct. pr. month" and insert "20 pr. Ct. on the amount of the principal debt and interest"

Mr Hartley Chairman of the committee on State affairs reported a Bill to amend the 2nd & 3. sections of an act to incorporate the Southern Cotton prest company and recommended its passage.

Mr Grimm Chairman of the committee on Claims and accounts made the following reports,

"The committee on claims and accounts to whom was referred a Bill for the relief of Samuel Binding have considered it and find the facts to be the said Binding was a private in Capt Hamners company from Jack County. Said Company was called out by Gov. Sam Houston on or about the 6th of April 1861 and served two months and was mustered out by the chief Justice of Jack County on or about the 6th day of June of the same year because the Governor would not commission the said Capt Hamner. during the Spring the said Binding was sent into Jacksboro for some provision. Having staked his horse out and before he got the provision the Indians rushed into the town and stole said Bindings horse with some others.

The committee find no law or precedent in the State or Confederate government that authorizes the payment of this class of claims. They have therefore instructed me to report it back and ask that it do not pass."

"The committee on claims and accounts to whom was referred the

petition of Garret D Rankford asking for pay for 331 bushels of corn furnished Capt N J Lowreys company of rangers Col Daniel Montagues regiment in the year 1838 and 1839 at three dollars and fifty nine cents per B. making in all $2957

A majority of the committee have instructed me to report the accompanying bill granting him 960 acres of land and recommend its passage." Read 1st time.

"The committee on claims and accounts to whom was referred the petition of N. N. Busta asking the Legislature to pay him for the loss of a horse that was shot by order of Col M. T. Johnson because the horse gave out have considered all the facts of the case and have come to the conclusion that it would be inexpedient to pay such claims: It is true the horse was shot by order of the Col Commanding the regiment but the committee are not satisfied that the petitioner used proper diligence in attending to and caring for him. They have therefore instructed me to return the petition and ask that the relief be not granted."

Mr Hartley introduced a Bill to amend the 4th Section of an act to incorporate the Houston Trinity and Tyler rail road company. Read 1. & 2. time and referred to committee on Internal Improvements. Also a Bill to provide for the defense of the State. Read 1st & 2nd time and referred to committee on Militia and Military affairs.

Mr Burnett introduced a Bill authorizing the county Court of Houston County to relinquish certain sums on a note given to defray the expenses of Capt C. Currie's company Texas Volunteers to Virginia or to levy a special tax to replace the money loaned said company. Read 1 & 2nd time and referred to Judiciary Committee

A Bill to endow professorships of seminaries and colleges being the special order came up on report of Committee on Education Read 2nd time.

Mr. Burnett moved to postpone the bill until Monday 10 oclk. Lost.

The amendment offered some days since by Mr Heatherford was on motion of Mr Branch laid on the table by the following vote

Yeas. Messrs, Batte Branch, Cook Dickson, Erath, Finlen, Harcourt, Hartley Houston, Jordan Lea, Mitchell, Reed, Scarborough, Selman, Shepard &c

Nays. Messrs Boyd, Burnett Casey, Crawford of T. Crawford of J. Darden, Durant, Graham, Heatherford and Wheeler. 10.

Mr. Darden offered the following amendment "Provided that not more than one college or seminary shall be entitled to the benefit of the provisions of this act in the same county."

Mr. Shepard moved to lay the amendment on the table.

Mr. Parsons moved to lay the bill and amendment on the table

Mr. Darden called a division of the question. The motion was put to lay the bill on table and resulted as follows.

Yeas. Messrs, Boyd, Burnett, Casey, Crawford of J. Dickson, Durant Graham, Gwin, Harcourt, Hartley, Houston, Odenchain, Parsons, Selman & Heatherford 16.

Nays. Messrs Batte, Branch, Cook, Crawford of T. Darden, Erath, Finley Jordan, Lea, Mitchell, Moore, Reed, Scarborough, Shepard. 14.

Mr. Hartley moved to reconsider the vote by which the engrossment of the bill suspending all claims for the collection of debts was ordered, and thereupon moved to adjourn until to morrow morning at 10 oclk," lost by the following vote

Yeas Messrs Boyd, Casey, Cooke, Dickson, Finlen, Graham, Hartley, &c. 9,

Mitchell Obenchain Selman & Wheeler 12.

Nays Messrs Batte Burnett Crawford of F Crawford of D Darden Durant Craft Gurrin Houston Jordan Moore Parsons Reed Scarborough Shepard and Weatherford.

On motion of Mr. Craft the Senate adjourned until 7 o'clk P.M.

7 o'clk P.M.

Senate met. roll called, Quorum present.

Mr. Hartley moved a call of the Senate which was sustained.

Mr. Crawford of D. moved to suspend the call - lost.

Orders of the day.

Resolution to raise a committee of Nine on Agriculture - Read - Mr. Hartley moved to strike out "9" and insert "5" carried & Resolution adopted.

Joint Resolution instructing delegation in Congress to procure a Military department for eastern Texas. Read 2nd time and refered to committee on Militia and Military affairs.

Mr. Shelley's substitute for the 33rd rule was read and adopted.

A Bill for the relief of Master builders and mechanics - Read 2nd time Mr. Gurrin moved to postpone until Monday 11 o'clk A. M.

Mr. Hartley moved to suspend the call of the Senate. carried - whereupon Mr. Hartleys motion to reconsider make this morning was put and lost by the following vote.

Yeas, Messrs Boyd Casey Finley Graham, Harcourt, Hartley Lea Mitchell Obenchain Reed. Selman & Wheeler 12.

Nays Messrs Batte Branch Burnett Crawford of F. Crawford of D. Darden Durant, Craft, Gurrin Houston Jordan Moore, Parsons, Scarborough, Shepard Weatherford. 16

Mr. Burnett moved to suspend the rule and put the bill on its final passage lost.

A Bill granting Solomon Wolfe the privilege of constructing a toll bridge across the Angelina River Read 2nd time and ordered to be engrossed.

A Bill to authorize the Governor to appoint an agent for the Alabama and Coshatte Indians &c Read 2nd time and ordered to be engrossed.

A Bill to raise juries fees to 2$ per day and pay them mileage on report of committee recommending that it do not pass. Read 2nd time and report adopted.

A Bill to authorize and require the Comptroller to audit and settle the accounts of Quartermasters appointed for the several Camps of instruction &c. Read 2nd time and on motion of Mr. Gurrin laid on table.

A Bill granting certain powers to the Mayor of the town of Marion in Titus County Read 2nd time and ordered to be engrossed.

House substitute for Senate bill legalizing the acts of certain officers of Fannin County. Read rules suspended and passed.

House bill to incorporate the Rio Grande female Institute Read 2nd time and passed to 3rd reading. Rule suspended Read 3rd time and passed by a constitutional vote.

A message was rec'd from the House informing the Senate of the passage of the following bills

A Bill supplemental to an act for the relief of Myrum Mudgett Alexander Hutchins A. L. Spencer and E. F. Cantwell Read 1st & 2nd time Ref'd to Committee on

A Bill for the relief of the heirs of Harvey Murphy. Read 2nd & 3rd time & Refd to Pvt Claims.

A Bill to authorize the clerks of the several County Courts to demand and receive the fees for recording instruments of writing before filing the same. Refd to Judiciary Com.

A Joint Resolution relative to retaliation. Rules suspended and passed.

A Bill to prevent the sale of vinous spirituous or intoxicating liquors within one mile of the centre of the Town of Alto. Refd to Judiciary Committee

A Bill for relief of the heirs of Isaac Pierson. Refd. to Com. Private Claims

A Bill to amend an act to authorize the formation of county and town agricultural societies approved Febry 8. 1860 Refd to committee on State affairs.

A Bill attaching the counties of Clay and Wichita to the County of Montague for Judicial purposes Refd to Judiciary committee.

A Bill for relief of Cook Co. - Rules suspended and passed.

A Bill to provide for the protection of the frontier of the State of Texas Read 2nd time and on Mr. Crafts motion made special order for Thursday 5th inst at 11 oclk A.M.

A Bill to create the County of Kendall Read 2nd time Ordered to be engrossed Rule suspended Read 3rd time and passed.

A Bill to change the boundaries of Blanco and Kerr counties Read 2nd time and ordered to be engrossed. Rule suspended Read 3rd time and passed.

A Bill to establish the boundaries of the State of Texas Read 2nd time and made the special order for Friday 11 oclk. A.M.

A Bill for the relief of A.H. Cook Read 2nd time and laid on table.

A Bill to amend 16th section of an act regulating elections, Read 3rd time and passed

A Bill for the relief of the heirs of Charles Clarke Read 2nd time and ordered to be engrossed.

Joint Resolution in relation to the suspension of the Custom houses. Read 2nd time & passed to 3rd reading. Rule suspended Read 3rd time and passed.

A Bill to amend an act to incorporate the Jefferson Insurance Company Read 2nd time and passed to 3rd reading. Rule suspended Read 3rd time and passed by a constitutional vote.

A Bill relating to forfeitures in certain cases of bail bonds & recognizances in cases of Misdemeanor, Read 3rd time and passed.

A Bill making appropriation of 80000 to defray contingent expenses of the Legislature Read 2nd time Amendments reported by Committee on Finance adopted Bill ordered to be engrossed Rule suspended Read 3rd time & passed.

Joint Resolution proposing an amendment to the State Constitution Read 2nd time. Amendment proposed by Committee on State affairs adopted and bill ordered to a 3rd reading

A Bill to protect the wool growing interest Read 2nd time & laid on table.

A Bill to authorize the Governor to appoint commissioners of deeds in the Choctaw and Chickasaw nations of Indians - Read 2nd time. substitute offered by Judiciary Committee adopted.

Mr Selman offered the following amendment. after "Texas" in 4th line of 4th section add the words "or Arkansas" adopted and bill ordered to be engrossed.

A Bill to regulate the duties of Clerks by the County Courts of the State Read 2nd time and recommitted to Judiciary committee

A Bill reducing the price of the public domain Read 2nd time and made special order for Wednesday evening at 7 oclk.

On motion of Mr. Parsons Mr. Crawford of J. was added to committee on Internal Improvements

Mr. Hamilton by leave introduced a bill to provide for the printing of Treasury warrants Read 1st & 2nd time and refer'd to Finance committee

On Mr Erath's motion the Senate Adjourned until 10 oclk A.M. to morrow

Wednesday December 4 1861

Senate met pursuant to Adjournment. Prayer by the chaplain roll called. Quorum present. The journal of yesterday was read and adopted.

On motion of Mr. Parsons the Doorkeeper was excused from service to day on account of indisposition

Mr. Shelley presented the memorial of Thos E. McNeil. Refer'd to committee on Militia and Military affairs.

Mr. Weatherford Chairman of committee on Private Land claims reported a Bill for relief of heirs of N. P. Cooper and recommended that it do not pass.

Mr. Harcourt chairman of Judiciary committee reported a substitute for a Bill to prescribe the time and manner of electing Confederate State Senators and recommended its adoption and passage.

Mr. Crawford of J. Chairman of committee on Enrolled Bills reported the following correctly engrossed

A Bill suspending all laws for the collection of debts &c &c.

Mr. Darden from committee on Roads bridges and ferries reported a bill supplimental to an act to incorporate the West fork bridge Company and recommended that the 2nd section be stricken out.

A Bill to authorize and require the Comptroller to audit the accounts of pound masters appointed for the several Comps of instruction was taken up on Mr. Steele's motion and ordered to be engrossed Rule suspended, Read 3rd time & passed

A Bill suspending all laws for the collection of debts &c Read 3rd time Mr. Harcourt offered the following amendment "And provided further that this act shall not be so construed as to interfere with the action of the Supreme Court in deciding all cases as required by law" adopted.

The bill was then passed by the following vote.

Yeas; Messrs Batte, Branch, Burnett, Cook Crawford of F. Crawford of J. Darden Durant Gunn Hanson, Jordan, Moore, Parsons, Scarborough, Shepard and Weatherford. 16.

Nays; Messrs Boza Casey Dickson, Erath, Finley, Graham, Harcourt Hartley, Lea Mitchell, Obenchain, Reed, Selman, Shelley & Wheeler 15.

Mr. Hanson moved to reconsider the vote laying the bill to endow professorships in Colleges on the table and thereupon made the further motion to postpone the consideration of the motion until Tuesday next at 10 oclk carried.

On Mr. Gunn's motion the Senate adjourned until 7 oclk P.M.

7 oclk P. M.

Senate met. Roll called. Quorum present.

Mr. Crawford of J chairman of committee on Engrossed Bills made report of the following as correctly engrossed.

A Bill granting Solomon Wolfe the privilege of constructing a toll bridge across the Cinzelina river,

A Bill for relief of the heirs of Charles Clarke

A Bill authorizing the Governor to appoint an agent for the Alabama

and Coshatte Indians.

A Bill to amend the 1st section of an act to authorize the sale of the public domain approved 11th Febr, 1858. Read 2nd time, Report of committee on Public Lands adopted

Mr. Gurvin offered a substitute. Mr. Weatherford moved to strike out "fifty" and insert "Twenty five"

Mr. Durant offered to substitute the amendment as follows. "That in all counties organized by the 1st legislature of the State the public lands may be sold for Twenty cents per acre"

On motion of Mr. Parsons the bill was made the special order for 11 oclk to morrow.

Joint Resolution proposing an amendment to the State Constitution. Read 2nd time and lost by the following vote.

Yeas. Messrs Battle, Boyd, Burnett, Casey, Crawford of T. Crawford of J. Darden Dickson, Durant, Erath, Finley, Graham, Moore, Oldenham, Parsons, Scarborough Selman, Shepard Weatherford & Wheeler 19.

Nays. Messrs Branch, Cook, Gurvin Harcourt, Houston, Jordan, Lea, Mitchell Reed & Shelley 10.

Mr. Shelley moved to reconsider and to make that motion the special order for to morrow 12 oclk m.. Carried.

A Bill authorizing the Governor to appoint an agent to the Alabama and Coshatte Indians - Read 3rd time & passed.

A Bill for relief of heirs of Charles Clarke. Read 3rd time & passed.

A Bill granting Solomon Wolfe the privilege of constructing a bridge across the Angelina river Read 3rd time & passed by Constitutional majority.

Mr. Shepard by leave introduced Joint Resolution authorizing the Governor to appoint an agent to take possession of the salt lake known as "El sal del Rey" and pay over the revenue arising therefrom to the State, Read 1st & 2nd times and refrd to Judiciary committee.

A Message was received from the House announcing the passage of the following bills.

Bill to incorporate the Pulaski Bridge Company

Bill to incorporate the Fort Bend Manufacturing Company

Joint Resolution welcoming Mrs Bonham to the State of Texas. —

Bill to amend 2nd Section of an act to regulate interest.

Bill allowing the Laws of the U. S. to be received in evidence,

Bill to procure the investigation of the rights of the State to the salt lake known as "El sal del Rey"

Bill to repeal an act supplemental and Amendatory of the act creating the County of Kaufman, approved April 6. 1861.

Bill for relief of heirs of Elijah Alcorn. and that the House concur in Senates Amendt to bill making appropriation to defray contingent expenses 9th Legislature.

—

A Bill to amend 10th & 23rd Sections of an act to reduce into one and to amend the several acts concerning executions passed Janry 27. 1842 Read 2nd time, and on motion of Mr. Gurvin laid on table.

House bill to amend the 2nd & third sections of an act to incorporate the Southern Cotton Manufacturing Company Read 2nd time and passed to 3rd reading - Rule suspended read 3rd times and passed by a Constitutional Majority.

The report of Committee on Claims and accounts on the petition of W. P. Buster was read and adopted.

A Bill for the relief of Garret A. Rankford. Read 2nd time.
Mr Casey moved to indefinitely postpone which was lost by the following vote.
Yeas, Messrs Batte, Boyd Burnett, Casey, Ford Gurrin Selman & Steele 8.
Nays. Messrs Branch Cook, Crawford, F. Harden, Dickson, Durant, Finley Graham, Hartley, Houston, Jordan, Lea, Mitchell, Moore, Rea, Scarborough Shelley, Shepard & Weatherford 19.
Mr. Dickson offered the following amendment. "Provided the same shall be received in full satisfaction of his claim against the state of Texas for corn furnished the late Republic" adopted and bill ordered to be engrossed. Rule suspended — Read 3rd time and passed.
A Bill for relief of Samuel Binding Read 2nd time. Report of committee on claims and accounts adopted.
A Bill to regulate the inspection and sale of Flour. Read 2nd time. Amendments of Judiciary Committee. adopted. Mr. Dickson moved an indefinite postponement.
Mr. Crawford chairman of committee on Engrossed bills reported the following correctly engrossed
Bill to change the boundary lines of Blanco and Kerr counties.
Bill to create the county of Kendall
Bill to amend the 12th section of an act to incorporate the town of Mt Vernon in Titus County
On Mr. Scarboroughs motion the Senate adjourned until 10 o'clock A.M. to-morrow

Wednesday Dec. 5. 1861

Senate met pursuant to adjournment. Roll called. quorum present. Journal of yesterday was read and adopted.
Mr. Rea presented the petition of Elias Leasels. Referred to Committee on claims and accounts, also petition of Mrs of James Callan, Mrs of Wm. R. Day Mrs of M. L. Smith, Mrs of T. Hart, Mrs of L. W. Glenn and Mrs of P. A. Paul which were severally refered to committee on Private Land Claims.
Mr. Weatherford chairman of committee on Private land claims reported a Bill supplemental to an act for relief of Myrum. Murdock, Daniel Hitchins A. L. Spencer and A. G. Antivelle and recommended its passage
Mr. Gurrin chairman of committee on claims and accounts reported upon the petition of Wm. Hughes assignee of Jonathan Bird, a bill for his relief and recommended its passage. Read 1st time.
Mr. Harcourt chairman of the Judiciary committee reported a substitute for a Joint resolution to amend the State Constitution and recommended its adoption and passage also the following bills without amendment and recommended their passage. Bill to authorize the collection of interest on open accounts. Bill to define the line of holding courts in the 19th Judicial District, Bill to attach the counties of Lamar and Archila to the county of Montague for judicial purposes, & Bill to prevent the sale of spirituous vinous or other intoxicating liquors within one mile of the town of Alto in Cherokee County. Also. the following bills with amendments. Bill to authorize the payment of audited Scrip against the County of Cameron in satisfaction of the License tax for retailing liquors &c. Amend by inserting "County" before "License" in 3rd line of Caption. Bill to authorize the Clerks of the several county Courts of the State of Texas to demand and receive the fees of or-

recording instruments of writing &c Amend by striking out the words "filing or" in last line of 1st Section

Mr. Darden one of the Committee on Roads bridges and ferries reported a bill to amend the 2nd & 3rd sections of an act to authorize C C. Demitt of Gonzales County to construct a bridge across the Guadalupe river with an amendment as follows Amend 1st line 3rd section by adding the word "public" after the word "other".

Mr. Burnett chairman of Committee on Enrolled bills reported as correctly enrolled and presented to the Governor a Bill to validate the official acts of the persons actually exercising the power and performing the duties of Certain offices in Newton County between the 23rd of April and the 15th of August 1861

Mr. Shelley presented the account of the San Antonio Texan office. which was referd to Committee on Printing.

Mr. Burnett introduced a bill to authorize the Government of the Confederate States of America to sue and prosecute any and all suits in any of the Courts of the State of Texas for the purpose of Carrying into effect an act of Congress sequestrating the property of Alien enemies. Read 1st & 2nd time and referd to Judiciary Committee.

Mr. Weatherford introduced a Joint Resolution making an appropriation for the mileage and per diem of the presidential electors for 1861. Read 1st time Rule suspended Read 2nd time Mr. Guinn moved to strike out all relating to the University fund. Lost. The resolution was then referd to Committee on Finance.

Mr. Shelley introduced a Bill for the relief of Sampson & Clemicks Read 1 & 2nd time and refer to committee on claims and accounts.

Mr. Abenchain introduced a bill for the relief of the heirs of Pleasant M. Miller Read 1st & 2nd time and refd to committee on Court of claims.

Mr. Selman introduced a Bill to exempt from work on public roads the class of persons therein named. Read 1st & 2nd time and refd to committee on Roads Bridges and ferries.

Mr. Dickson introduced Bill to amend the 1st & 3rd Sections of act incorporating the East fork Bridge Company. Read 1st & 2nd time and refd to committee on Roads bridges and ferries

Orders of the day

Mr. Dickson's motion to indefinitely postpone the Bill to regulate the inspection and sale of flour being in order it was withdrawn by leave of the Senate whereupon Mr Wheeler offered a substitute for the bill

On Mr. Selman's motion the bill and substitute was laid on the table by the following vote

Yeas Messrs Batte Boyd Branch Burnett Casey Cook Crawford of H. Darden, Dickson Durant Pate Graham Houston, Jordan, Lea, Moore Mason, Reed Scarborough Selman & Shelley 21.

Nays. Messrs Hunley Guinn Hasconet, Hartley, Obenchain, Shepard, Weatherford & Wheeler 8.

Joint resolution welcoming Mrs Bowdin to the State of Texas Read 1st time Rule suspended Read 2nd time and passed to 3rd reading Rule further suspended Read 3rd time and passed.

House bill to incorporate the Pulaski Bridge Company Read 1st & 2nd time and refd to Committee on Roads bridges and ferries.

House bill to incorporate the Fort Bend manufacturing company. Read 1st & 2nd time and refd to committee on State affairs.

House bill to amend 1st 2nd section of an act to regulate interest Read 1st & 2nd time and refd. for further consideration

House bill allowing the laws of the Confederate states to be received in evidence Read 1st & 2nd time and refd. to Judiciary committee.

House bill to procure the investigation of the rights of the State to the lake known as Caddo Lake Read 1st & 2nd time and refd to Judiciary Committee.

House bill to repeal an act supplemental to and amendatory of the act creating the county of Kaufman Read 1st & 2nd time and refd to committee on Counties and County boundaries

A Bill for the protection of the frontier being the special order was read 2nd time. On motion of Mr. Craft it was made the special order for next Monday at 11 o'clk A.M. and on Mr. Scarboroughs motion 100 copies were ordered to be printed.

Mr. Darden introduced a bill to amend the 4th section of the act of April 6. 1861 to amend the act of March 15. 1848 to provide for the election of electors for President and Vice President &c Read 1st & 2nd time and refd to Judiciary committee.

Mr. Reed Chairman of the committee on County Boundaries reported the following bills and recommended their passage. Bill to repeal an act to authorize the County Court of three counties to levy a special tax. Bill to change the name of the counties of Cass & Buchanan.

A Bill to reduce the price of the Public domain being a special order was read 2nd time

Mr. Guinn moved to lay the amendment of Mr. Neathery and the substitute of Mr. Durant on the table. A Division being called the yeas and nays on laying the amendment on the table were as follows.

Yeas, Messrs Battle Branch Cook Dickson, Craft, Finley, Harcourt Hartley, Houston, Jordan Lea, Mitchell, Reed Scarborough, Selman - Shepard 16.

Nays. Messrs, Boyd Burnett Casey, Crockett of H. Crawford of J. Darden Durant Graham, Neathery & Wheeler 10.

Mr. Durants substitute was adopted.

Mr. Craft offered the following amendment. "That the proceeds from lands sold under the provisions of the 1st section of this act shall be added to State revenue" adopted.

Mr. Crawford of Jasper moved to amend by adding "until two years after the close of the present war" Laid on table

Mr. Oldenchain moved to amend by striking out "160" and inserting "80" lost.

Mr. Guinn moved an amendment to the caption, adopted.

Mr. Lea moved to postpone until Monday next - Lost

Mr. Hartley introduced by leave a Bill concerning the punishment of degradation in certain cases Read 1st & 2nd time and refd to Judiciary committee

On motion of Mr. Crawford of J. the Senate adjourned until 10 o'clk A.M. to morrow.

Friday December 6. 1861

Senate met pursuant to adjournment. Prayer by the Chaplain - roll called quorum present. The journal of yesterday was read and adopted.

A message was received from the House announcing the passage of the following bills.

A Bill for the relief of Peter Norton.

Mr. Branch from the committee on Military affairs on behalf of the committee reported a Joint Resolution authorizing the Governor to purchase arms and recommended its passage.

Mr. Harcourt chairman of the Judiciary committee reported the following bills and recommended their passage. A Bill concerning the issuance of injunctions in certain cases, and a Bill allowing the laws of the Confederate States to be received in evidence.

Mr. Weatherford chairman of the Committee on Private land claims reported a substitute for a bill for relief of the heirs of Sanford Holman deced and recommended its adoption and passage.

Mr. Lea chairman of the committee on Finance reported a joint resolution making an appropriation for the mileage and per diem pay of the Presidential electors for 1861 and recommended its passage - on further motion the rule was suspended, bill placed on 2nd reading

Mr. Dickson moved to amend so as to pay by drafts on the assessors & collectors of the respective counties. adopted.

Mr. Shelley moved to amend by appropriating 1000$ or so much thereof as may be necessary adopted and bill ordered to be engrossed. Rule suspended read 3rd time and passed.

Mr. Casey chairman of the committee on Military affairs reported a substitute for a bill granting land to the soldiers of Texas and recommended its adoption and passage.

Mr. Crawford Chairman of the committee on Engrossed bills reported the following correctly engrossed.

Bill for relief of Garret F. Lankford.

Bill to authorize the Governor to appoint commissioners of deeds &c.

Bill to authorize and require the Comptroller to audit and settle the accounts of Quartermasters for the several Camps of instruction

Mr. Dickson introduced a Bill to amend the 8th Section of the act of March 18. 1848 for the trial of the right of property read 1st and 2nd time and refered to Judiciary committee.

Mr. Parsons introduced a Bill to authorize James M. Flanagan and his associates to construct a bridge across the Sabine river. Read 1st & 2nd time and refered to committee on Roads bridges and ferries.

On Mr. Crafts motion the report of the committee on Military affairs on a joint resolution authorizing the Governor to purchase arms was taken up and substitute adopted.

Mr. Shelley moved to insert "50,000 dollars or so much thereof as necessary" adopted. The bill was then rereferred to committee on Military affairs.

Orders of the day

A Bill to authorize the sale of the public domain, amending the 1st Section thereof. Read 2nd time

Mr. Graham offered to amend by providing that all Treasury warrants that have been or may hereafter be issued shall be receivable in payment

for certificates issued under the provisions of this act'

Mr. Lea moved to lay the amendment on the table whereupon the yeas and nays were taken as follows.

Yeas Mesrs Batte Branch Casey Cook Crawford of J. Guinn Harcourt, Jordan Lea, Scarborough Selman & Shepard 12.

Nays. Mesrs Boyd Burnett Crawford of Fannin, Darden, Dickson, Durant, Craft, Finley Graham, Hartley, Houston, Mitchell, Moore, Obenchain Parsons, Reed, Weatherford & Wheeler 18.

Mr. Hartley moved to amend the amendment by inserting "until otherwise provided by law" adopted.

Mr. Casey moved to amend further as follows. "Provided the Treasury warrants heretofore issued shall be received for land at the rate of one acre for one dollar

Mr. Crawford chairman of committee on Engrossed bills reported correctly engroped a joint Resolution making an appropriation for the mileage and per diem of the Presidential electors, and pending the question on Mr. Casey amendment as above the Senate on Mr. Crawford's motion adjourned until 7 oclk P. M.

7 oclk P. M.

Senate met. roll called. Quorum present.

Mr. Craft moved to lay Mr. Casey's amendment on the table.

Yeas, Mesrs Boyd Branch Burnett, Dickson, Durant. Craft Finley Graham Harcourt Hartley, Houston, Lea Mitchell Moore Parsons. Reed Scarborough & Weatherford 19.

Nays. Mesrs Casey, Crawford of J. and Guinn 3.

A Message was received from the House informing the Senate that the House had passed the following bills

Senate Bill suspending all laws for the collection of debts &c &c.

Senate Jt. Resolution making an appropriation for the mileage and per diem of the Presidential electors. D

Bill making an appropriation for the manufacture of Minnie balls.

Mr. Casey moved to postpone the further consideration of the bill before the Senate until 10 oclk to morrow morning lost.

Mr. Guinn moved to amend by inserting "at their market value"

Mr. Dickson offered a substitute for the amendment whereupon Mr. Durant moved to lay Amendment & substitute on the table – Carried

The Yeas & Nays on Mr. Grahams amendment were then called as follows.

Yeas. Mesrs Batte, Boyd Branch Burnett Crawford of F. Darden. Dickson, Durant, Craft, Finley, Graham, Harcourt Hartley, Houston Mitchell Moore, Obenchain Parsons Reed, Scarborough, Shelley & Weatherford 22.

Nays, Mesrs Casey Cook, Crawford of J. Guinn Lea, Selman 6.

Mr. Lea moved to postpone until 10 oclk A. M. to morrow, Lost and bill ordered to be engrossed.

The report of Committee on State affairs offering a substitute for a Bill reestablishing the boundaries of Texas being the special order was taken up,

Mr. Guinn proposed a substitute whereupon on Mr. Shelleys motion the further consideration was postponed until Monday next 12 oclk M.

On Mr. Shelleys motion the vote refusing further action on a joint Resolution proposing an amendment to the 3rd section of the 10th Article of the constitution was reconsidered.

Mr. Shepard offered to amend by striking out "a majority" and inserting "two thirds" On Mr. Hartleys motion laid on the table. Bill then read 3rd time and passed by the following vote.

Yeas. Messrs Batte, Boyd, Burnett, Casey, Crawford of J. Dickson, Durant, Finley, Graham, Gunn, Hartley, Houston, Lea, Mitchell, Moore, Obenchain, Reed, Scarborough, Selman, Shelley, Weatherford & Wheeler, 23.

Nays, Messrs Branch, Cook, Crawford of F. Darden, Jordan, Parsons & Shepard 7.

On motion of Mr. Weatherford the Senate adjourned until 10 o'clk A. M. to morrow.

Saturday, December 7. 1861

Senate met pursuant to adjournment. Prayer by the Chaplain - Roll called quorum present. The journal of yesterday was read and adopted.

Mr. Batte presented the petition of Wm H. Smith. Refd to committee on claims and accounts.

Mr. Weatherford chairman of committee on Private Land Claims reported the following bills and recommended their passage.

Bill for relief of N. A. Gray and Bill for relief of Wm B. Green.

Mr. Boyd chairman of committee on Roads, Bridges, and ferries reported a bill to amend the 1st & 5th sections of an act to incorporate the East fork Bridge Company & recommended its passage.

Mr. Parsons chairman of the committee on Internal Improvement reported upon the petition of James R. Arnold, a Bill in relation to the Eastern Texas Rail Road Company and recommended its passage - Read 1st time.

Mr. Casey introduced a Bill to legalize the acts of Alexander Birdsong Notary Public in Panola County. Read 1st & 2d time and refer to Judiciary committee.

Mr. Burnett chairman of committee on Enrolled bills reported a Joint Resolution making an appropriation for the mileage and per diem of the presidential electors correctly enrolled and presented to the Governor.

Mr Lea introduced a Bill to prescribe the mode of appropriating islands containing less than 160 acres. Read 1st & 2nd times and refd to Judiciary Committee.

On motion of Mr. Crawford of F Mr. Dickson was added to the committee on Internal Improvements

A Bill for the relief of Peter Norton. Read 1st & 2nd time and refd to committee on Private Land Claims.

A Bill making an appropriation for the manufacture of minnie balls Read 1st & 2nd time and refd. to committee on Military affairs.

A Bill for relief of A. H. Cook Read 2nd time

Mr. moved to indefinitely postpone,

Yeas; Messrs Batte, Burnett, Casey, Crawford of F. Durant, Gunn, Harcourt Jordan, Parsons, Selman & Wheeler, 11.

Nays. Messrs Boyd, Branch, Cook, Darden, Dickson, Finley, Graham, Hartley, Lea, Moore, Obenchain, Reed, Scarborough, Shelley, Shepard & Weatherford 16.

Mr. Gunn moved to strike out all that portion relating to interest.

Mr. Hartley from the committee on Internal Improvements on behalf of said committee reported a Bill to amend the 14th Section of an act to incorporate the Houston Tyler & Tyler Rail Road Company and recommended its passage. Taken up.

Mr Durant moved to lay the bill before the Senate on the table. Lost.

Mr. Burnett moved to strike out "2 years" and insert "One year"

On Mr Guins motion Mr Burnetts amendment was tabled.
Mr. Shepard moved to postpone until the 14th inst and on Mr. Branchs motion it was tabled. The bill was then ordered to be engrossed. Rule suspended and bill read 3rd time and passed by the following vote.

Yeas. Messrs. Batte, Boyd, Branch, Burnett, Casey. Cook, Crawford of St. Crawford of J. Darden, Finley, Guin, Harcourt Hartley, Marston, Jordan, Lea Mitchell, Moore, Parsons, Reed, Scarborough, Selman, Shelley, Shepard & Wheeler. 25.

Nays. Messrs Dickson, Obenchain & Weatherford. 3.

Mr. Burnett chairman of the committee on Enrolled bills reported A Bills suspending the collection of debts &c correctly enrolled and presented to the Governor.

A call of the senate having been sustained on Mr. Wheelers motion pending the amendment of Mr. Guin to strike all out relating to interest in the bill for the relief of A. K. Cook and the call having been suspended the question was taken by yeas and nays as follows

Yeas. Messrs Batte Burnett, Casey. Crawford of St Guin Harcourt Parsons Selman Shepard & Wheeler 10

Nays, Messrs Boyd Branch, Cook, Darden, Dickson, Graham, Marston, Jordan, Lea, Moore, Reed, Scarborough, Shelley and Weatherford 14.

The yeas and nays were then called on the engrosment of the bill as follows.

Yeas. Messrs Batte Boyd Branch Cook Crawford of J. Darden Finley Graham, Hartley, Marston, Jordan Lea Mitchell, Moore, Obenchain, Reed Scarborough Shelton, Shepard & Weatherford 20

Nays. Messrs Burnett, Casey Crawford of St. Durant Guin Harcourt Parsons. Selman & Wheeler. 9.

Mr. Hartley one of the committee on Internal Improvements by leave reported on behalf of the committee a Bill to amend the 11th section of an act to incorporate the Trinity valley Rail Road company and recommended its passage.

On motion of Mr. Guin the Senate adjourned until 10 o'clk A. M. to monday.

Monday December 9. 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain. Roll called a Quorum present. The journal of Saturday was read and adopted.

Messrs Crawford of J. Batte Boyd Moore Darden and Crawford of St were announced by the President as committee on Agriculture

Mr. Shelley introduced a Bill to establish a more perfect system of Patrol Read 1st & 2nd time and refrd to committee on State affairs.

Mr. Casey introduced a Bill to amend article 16. Oldham & White digest. Read 1st & 2nd time and refrd to committee on Education.

Mr. Finley introduced a Bill to suspend the Statute of limitations until six months after the close of the present war in certain cases Read 1st & 2nd time and refrd to Judiciary Committee

Mr. Shelton introduced a Bill to establish the line between the Counties of Hays and Comal. Read 1st & 2nd time and refrd to committee on County Boundaries.

The special order a Bill for the protection of the Frontier was on motion of Mr. Casey postponed until to-morrow 12 o'clk. M.

A Bill for the relief of Sanford Holman. Read 2nd time. Substitute recommended by Committee adopted and ordered to be engrossed. Rule

suspended, read 3rd time and passed.

A Bill to authorize C. C Merritt to build a bridge across the Guadalupe river Read 2nd time. amendments of committee adopted and bill ordered to be engrossed. Rule suspended Read 3rd time and passed by a constitutional vote. Mr Boyd alone voting Nay.

Mr Finley by leave introduced a Bill to fix the liability of makers and endorsers of promissory notes and bills of exchange until six months after the close of the present war. Read 1st & 2nd time and refd to committee on Judiciary.

Mr Hartley by leave introduced a Bill to legalize land certificate No 1452 3rd class issued by the Board of land Commissioners of Liberty County to Theophilus Wells. Read 1st & 2nd time and refd to committee on Court of Claims.

Mr Hartley presented petition of accompanied by bill for the relief of the heirs of Wm McNamee deceased. Read 1st & 2nd time and refd to committee on private land claims.

Mr. Shelley by leave introduced a bill and petition for relief of heirs of James H Denson _ Bill read 1st 2nd time and refd to Committee on Private Land claims.

A Bill to amend an act for the relief of Master Builders and Mechanics appd 22. Jany 1839 being special order was read 2nd time, the report of the majority of the Judiciary committee recommending its rejection was adopted by the following vote

Yeas. Messrs Battle Branch Burnett Casey Cook, Crawford, Ft. Darden Dickson Durant, Finley Graham, Gwin, Hartley, Jordan Lea, Mitchell Moore, Parsons Reed, Shepard, & Wheeler 21.

Nays. Messrs Boyd Pratt Harcourt, Houston Oldham, Scarborough Shelley and Weatherford 8.

A Bill reestablishing the boundaries of Texas being a special order on motion of Mr Shelley was postponed until 7 o'clk P.M. to morrow.

Mr. Shelley by leave introduced a Bill prohibiting owners or employers of slaves from placing them in charge of farms or stock ranches detached or removed from the home or residence of the owner or employer Read 1st & 2nd time and refd. to Judiciary Committee.

Mr Rutherford chairman of committee on Private Land claims reported a Bill for relief of Philip C Paul and recommended its passage.

Mr Scarborough presented the petition of Mrs Martha Brenan - Refd. to committee on Private Land Claims.

On motion of Mr. Gwin the Senate adjourned until 10 o'clk A.M. to morrow.

Tuesday December 10. 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain - Roll called. Quorum present. The journal of yesterday was read and adopted.

A message was received from the House announcing the passage of the following bills.

Senate's Bill to amend the 14th section of an act to incorporate the Houston Trinity and Tyler Rail Road Company. and the following house bills.

A Bill for relief of Nelson Farmer.

A Bill authorizing the county Courts of the several counties in this State to levy and collect a special tax for road purposes.

A Bill providing for the sale of the N.E. five per ct. bonds, Coupons &c

A Bill allowing I. P. Ward leave to adopt a female child
A Bill to provide for the protection of the frontier of the State of Texas
A Joint Resolution to increase the pay of privates in the Confederate Army.
A Bill to locate the county site of El Paso county
A Bill to provide for auditing and settling all claims against the State on account of Volunteers called out by the Governor, Committee of safety &c

Mr. Guinn chairman of the committee on claims and accounts made the following Report. " The committee have considered the petition of Wm H Justice and the facts show that he is not entitled to any relief. He furnished one owen d Griffin a mule worth at the time 150 or 200$. Griffin was a member of Capt J. P. Hills company and proved a traitor and fled to parts unknown. I am instructed therefore to report the petition back and ask that the relief be not granted."

Mr. Crawford of J. chairman of committee on Engrossed bills reported the following correctly engrossed.

Bill to amend the 14 sec. of an act to incorporate the Houston. Trinity and Tyler Rail Road company

Bill to amend the 10th & 11th sections of an act to authorize the sale of the public domain. approved Feb. 11 1858.

Mr. Harcourt chairman of the Judiciary committee reported the following bills and recommended their passage

Bill to change the time of holding the District Courts in the 8th judicial district

Bill to change the time of holding the District Court in the 9th judicial district

Also a substitute for a Bill to procure the investigation of the rights of the state to the salt lake known as El Sal del Rey

Mr. Parsons chairman of the committee on Internal Improvements reported the following bills and recommended their passage

Bill for the relief of Rail Road companies of the State of Texas.

Bill for the relief of companies incorporated for purposes of Internal Improvement &c

Mr. Crawford of J. chairman of committee on Engrossed bills reported as correctly engrossed a Bill for the relief of the heirs of Sanford Holman and a Bill for the relief of A. A. Cook

Mr. Casey chairman of the committee on Military affairs reported a substitute for a Bill defining the pay of certain state troops under Col Jno S. Ford. and

Mr. Shelley from same committee on their behalf reported a Bill to create a hospital fund for the sick and wounded soldiers of Texas in the Confederate army and recommended its passage.

Mr. Lea introduced a Bill to further regulate proceedings in District Courts read 1st & 2nd time and refrd to Judiciary committee

Mr. Guinn from committee on private land claims on their behalf reported a substitute for a Bill for relief of heirs of Jame McLarran.

Mr. Parsons moved to take up a Bill for relief of railroads. Lost

Mr. Branch from committee on Military affairs on their behalf reported the substitute for a bill to authorize the Governor to purchase arms &c which had been referred to the committee and recommended its adoption & passage.

Mr. Dickson from committee on Judiciary reported a substitute for a Bill for relief of Don Art N. Burford and recommended the adoption & passage

Mr. Harcourt making thereon a minority report

Mr. Heatherford Chairman of the committee on Private land claims reported the following bills and recommended their passage.

Bill for relief of Peter Norton
Bill for relief of Heirs of Isaac Pierson.
Bill for relief of Harvey Murphy,
Bill for relief of John Henderson,

Orders of the day.

A Bill to authorize and require the Comptroller to settle the accounts of Quarter masters appointed for the several camps of instruction &c Read 3rd time & passed.

A Bill authorizing the Governor to appoint Commissioners of Deeds in the Choctaw Chickasaw, Cherokee and Creek nations of Indians &c Read 3rd time & passed.

A Bill to amend the 12th section of an act to incorporate the town of Mt. Vernon in this County. Read 3rd time and passed by Constitutional vote Mr. Boyd alone voting Nay.

Mr. Shepard from Judiciary committee on their behalf reported a Bill for the relief of Heirs of Elijah Allcorn and recommended its passage. On Mr. Shepards motion the bill was read & passed to 3rd reading — rule suspended — Read 3rd time and passed.

A Bill to regulate interest on open accounts Read 2nd time. House bill to amend the 2nd section of an act to regulate interest adopted as a substitute. whereupon Mr. Rea offered a substitute which was adopted and on motion of Mr Parsons refd. to Judiciary committee.

A Bill to provide for auditing all claims on account of Volunteers called out by the Governor or the Convention Read 1st & 2nd times and refd to committee on Military affairs.

A Bill supplemental to an act for the relief of Myron Madger and others, Read 2nd time & passed to 3rd reading — Rule suspended Read 3rd time & passed.

A Bill to define the time of holding courts in the 19th Judicial district, Read 2nd time and laid on the table.

A Bill attaching the Counties of Clay & Wichita to the County of Montague for Judicial purposes. Read 2nd time & passed to 3rd reading.

A Bill to authorize the clerks of the several counties to demand fees &c in advance of labor performed Read 2nd time and on Mr. Burnetts motion indefinitely postponed.

A Bill to prevent the sale of Vinous spirituous or other intoxicating drinks within one mile of the town of Alto Read 2nd time & passed to 3rd reading, Rule suspended Read 3rd time & passed.

House bill providing for the sale of the 5 per ct bonds &c Read 1st & 2nd time and refrd to Finance committee.

Mr. Gurrin moved to take up Joint Resolution defining the pay of certain State Troops, carried

Mr. Rea moved to lay on table lost

On motion of Mr. Gurrin the Senate adjourned until 7 o'clk P. M.

7 o'clk P. M

Senate met — Roll called Quorum present

On Mr. Caseys motion Mr. Wheeler was added to committee on private land claims

Mr. Casey introduced a Joint Resolution to distribute arms to the members of the Legislature at their cost to the State. Laid on table.

A message was received from the House informing the Senate that the

House has passed the following bills.
Senate Bill for the relief of Samuel Everett.
Senate Bill to amend the 2nd section of the act to incorporate the Dallas Bridge Company.
A Joint Resolution defining the pay of certain state troops. Read 2nd time Mr. Hartley moved to refer to committee on Finance. On Mr. Branch's motion Mr. Hartley's motion was tabled. The committee's substitute was then adopted.
Mr. Lea offered a substitute - Mr. Hartley moved to refer to Committee on Finance, and Mr. Branch moved to table the motion which was done.
On motion of Mr. Erath the Senate adjourned until 10 o'clk A.M. to morrow

Wednesday December 11. 1861

Senate met pursuant to adjournment. Prayer by the chaplain - Roll called - quorum present. The journals of yesterday was read and adopted.
Mr. Weatherford chairman of the committee on Private land claims reported upon the petition of Martha Brennan a bill for her relief and recommended its passage - Read 1st time. Also recommended that the following petitions be referd to committee on Court of claims which was done viz:
petition of Mrs of J. Hart, Of heirs of James Callan, Mrs of M R. Bay
Mr. Guinn from the committee on the Court of claims made the following report. "That of the applications on file in the office of the commissioner to which their attention has been specially directed, and upon which by reason of a noncompliance upon the part of the applicants with the provisions of the law of Febry 1. 1861 the Commissioner has taken no action the following have been favorably considered

Theophilus Wells for a headright of —	640 acres	
John R. Cannon	320	"
J. B. Shade	320	Bounty land
P. M Birmingham	320	" "
Samuel Smith	320	" "

Mrs of Joseph Shepard for 640 acres Donation and 320 acres bounty land.
The committee have also favorably considered a Bill for the relief of Pleasant A. Miller to them refered by the Senate
The above cases and perhaps others to be considered will be included in a general bill to be presented at an early day containing suitable provision covering the respective cases of relief sought.
They have rejected for satisfactory reasons after careful investigation the following claims
Charles Kinney 1 lea. 1 Lab. S & R.
W & H Frensley 640 acres S & R.
Thos G. McGehee for a certificate covering the amount of conflict between two mexican titles
Francisco Meza for augmentation from 1280 acres to 1 lea 1 Labor
Francisco Ximenes for like augmentation
Juan Cleofumecens Navarro for 960 acres additional bounty.
Francisco Pavone for additional Bounty
Edward Hernandez for same,
Jose Alemeda for same
Rafael Arellano Ramirez for a Headright.

The committee find that application for land of various shades and sustained. by testimony ranging from a perfect knowledge of facts through all the mazes of suspicious belief have been presented to the Court of claims for adjudication; that notwithstanding the variety presented a careful distinction between the right and the wrong has been assiduously observed by the commissioner and the assisting board.

While the interest of the State have jealously and zealously guarded, in no single instance where the testimony has been clear, the identity of the applicant, the credibility of the witnesses established, and the provisions of the law observed, have the parties failed to have their rights accorded.

When the Committee considered the fact that the office since its reorganization has been a source of revenue to the State overpaying all expenses to Jany 1. 1862 something over 150$ and the further fact of the benefit derivable both to the just claimants and to the State from its operations they determined to consult a wise policy by recommending its continuance notwithstanding any prejudice that may have arisen against it partly through the influence of parties whose attempted frauds have been checkmated by its investigations. A Bill will be prepared at an early day having in view this object and amendation of defects in the law of February 1. 1861."

Mr. Harcourt chairman of the Judiciary committee reported a substitute for a Bill relating to the determination of cases by the Supreme Court and recommended its adoption and passage.

Mr. Burnett chairman of the Committee on Enrolled Bills reported correctly enrolled and presented to the Governor a Bill to incorporate the Houston Trinity & Tyler Rail Road Company.

Mr. Lea introduced a Bill to amend the 2nd section of an act authorizing a loan and imposing a specific tax to meet the principal & interest thereof &c read 1st & 2nd time and refer to committee on Finance

Mr. Scarborough introduced a Bill to amend the 4th section & to repeal the 6th section of an act to regulate the public printing. Read 1st & 2nd time and refd to committee on printing.

Mr Dickson introduced a Bill for the relief of purchasers of University Lands. Read 1st & 2nd time and refer. to committee on Education.

A Joint Resolution authorizing the Governor to purchase arms being the special order Mr. Lea's substitute was adopted by the following vote:

Yeas, Messrs Boyd, Burnett, Crawford of F. Crawford of J. Darden Erath Finley, Graham, Gurrin, Harcourt, Houston, Lea, Mitchell, Moore, Obenchain, Parsons, Reed, Scarborough, Selman & Shepard. 20.

Nays: Messrs Batte, Branch, Cook, Dickson, Durant, Selman, Weatherford & Wheeler 8.

Mr. Gurrin moved to strike out "any necessary amount of bonds that may belong to the State or be under the control of the Legislature"

Mr. Harcourt offered the following "except the united States 5 per ct. bonds" adopted. Amendment then adopted.

A message was received from the House announcing the passage of a bill supplemental to an act to amend the act supplemental to an act to regulate Estrays Approved Apl 6. 1861

Mr. Finley moved to strike out the words "which sales may be made for the nett proceeds of cotton in any foreign market reckoning all other expenses than those of agents as aforesaid while engaged in negotiating for the proceeds of cotton and in facilitating its transmission to market"

Mr. Crabb moved the previous question which was sustained and the bill ordered to be engrossed. Rule suspended Read 3rd time and passed by the following vote

Yeas, Mesrs Batte Boyd Burnett Casey, Crawford of F Crawford of J. Dickson Durant, Crabb, Graham, Guinn, Harcourt Houston Rea, Mitchell Moore, Parsons, Reed, Scarborough, Shelley Shepard & Weatherford 22.

Nays, Mesrs Branch Darden Finley, Gelman & Wheeler 5.

Mr. Shelley offered the following resolution

"Resolved. That the committee on Finance be instructed to inquire into the expediency and propriety of so amending the 1st Section of an act authorizing a loan &c. as to authorize the issuance of Bonds in less sums than 1000$ and report by bill or otherwise" adopted

Mr. Scarborough offered the following resolution

"Resolved that during the remainder of the present session no member shall be permitted to speak longer than Five minutes on a subject matter of debate except by leave". Laid on table 1 day.

Mr. Darden introduced a Joint Resolution to authorize and require the Adjutant General to collect the necessary information to make a register of the State Troops &c Read 1st & 2nd time and refrd to committee on Militia and Military Affairs.

Mr. Burnett chairman of the committee on Enrolled bills reported the following correctly enrolled and presented to the Governor.

Bill for the relief of Samuel Everett

Bill to amend 3rd Section of act to incorporate the Dallas Bridge Company.

The motion to reconsider the vote laying on the table the bill for the endowment of colleges and academies was put and carried & the bill ~~rejected~~ to be engrossed by the following vote

Yeas. Mesrs Batte, Branch, Cook, Crawford of F. Dickson Finley Rea, Mitchell Moore, Reed Scarborough, Shepard 13.

Nays. Mesrs Boyd Burnett Crawford of J. Darden Durant Graham Guinn, Harcourt, Obenchain, Parsons, Gelman, Shelley, Weatherford & Wheeler 14.

Mr. Burnett moved to reconsider the vote which indefinitely postponed a bill allowing County clerks to collect fees for recording in advance &c. which on Mr Harcourts motion was laid on the table.

A Bill to provide for the protection of the frontier. Senates bill laid on the table and House bill taken up.

Mr Scarborough moved to strike out "One company from the Counties of Brazos Webb Cameron Starr Zapata Goliad, San Patricio & Refugio" and insert "One Company in any part of the State as the Governor may direct" adopted

Mr. Dickson moved to strike out in 8th Section the word "not" and "refuse" Mr. Shelley moved to amend by striking out the entire section. Mr. Crawford of J. moved to lay the motion on the table. Lost by the following vote.

Yeas, Mesrs Batte Boyd Burnett, Crawford of J. Darden, Guinn, Harcourt, Parsons & Wheeler 9.

Nays Mesrs Branch, Cook Crawford of F. Dickson, Durant, Crabb, Finley, Graham Houston, Jordan, Rea, Mitchell, Moore, Obenchain, Reed, Scarborough, Gelman, Rice, Shepard & Weatherford 20.

On motion of Mr. Harcourt the Senate adjourned until 10 o'clock A M to morrow.

Thursday December 12. 1861

Senate met pursuant to adjournment. Prayer by the Chaplain. Roll called. Quorum present The journal of yesterday was read and adopted.

Mr. Shelby presented the petition of F. A. Sherman which was referred to committee on Private land claims.

Mr. Crawford of J presented petition accompanied by bill for relief of Louisa C. Kirams - Read 1st time and referred to committee on Private land claims.

Mr. Rea chairman of the committee on Finance reported a Bill to amend the 2nd section of an act authorizing a loan and imposing a specific tax &c. without amendment and recommended its passage. also the following report.

"The committee on Finance to which was referred a resolution of instruction to inquire into the expediency of amending the 1st section of an act of last session of the Legislature authorizing a million loan so as to authorize the issuing of bonds of less amounts than 1000$. and to report by bill or otherwise has considered the same and have instructed me to report an opinion of the committee that such a change is not expedient under existing circumstances. Blanks for bonds with coupons for the whole loan were procured at considerable cost and are now in the Treasury There are reasons for believing that all of the loan may be readily disposed of at par on a proposed plan. To obtain blanks for less amounts even for part of the loan would cost several hundred dollars In general large bonds are preferable to small on such a loan. But there are some reasons at present and others may soon arise for issuing smaller bonds on another loan which would afford a more economical and convenient opportunity for gratifying patriotic desires to aid the Government and for making a more general appeal to the ample resources in the hands of the citizens of the State Other reasons might be added to sustain the opinion of the committee but more are not considered necessary on this occasion"

Mr. Harcourt chairman of the Judiciary Committee reported a Bill to amend the 2nd section of an act to regulate interest and recommended its passage.

Mr. Branch chairman of the committee on Education reported A Bill for the relief of the purchasers of University lands and recommended its passage.

Mr. Crawford J. chairman of committee on Engrossed bills reported a Bill to provide arms and ammunition for the military defense of the State Correctly engrossed.

Mr. Harcourt chairman of the Judiciary committee reported a substitute for a Bill to amend the 8th section of the act relative to the trial of the right of property and recommended its adoption and passage.

Mr. Leaser from Committee on Education on behalf of said committee reported a bill to amend art 261 A & M. Digest relative to common schools and recommended its passage.

Mr. Rea offered the following resolution "Resolved that the committee on Finance be instructed to inquire into the propriety of dividing every ordinary liability of the state into two equal parts and classes. the one not to bear interest and to be receivable for taxes before and after the first day of January 1863 the other to bear interest and to be receivable for taxes

on and after that date; all to be receivable at any time for any other kind of public dues; and that all as now exist or as hereafter existing have the right of funding in the loan bonds with the further right that the coupons be receivable for taxes and other public dues at any time and that the Committee report by bill or otherwise." Adopted.

Mr Hartley presented the petition of Capt. Chubb. refrd. to committee on military affairs.

Mr. Guinn offered the following resolution "Resolved that the President of the Senate and Speaker of the House of Representatives have the representative Tables removed from the entry between the two Chambers and the passage kept free and the resolution be communicated to the House of Representatives and ask their concurrence" Adopted.

Mr. Mitchell introduced a Bill for the relief of C. A. Denson. Read 1st 2 times and refrd to Judiciary committee.

Mr. Dickson introduced a Bill to reduce the current expenses of the State Government. Read 1st 2 times and refrd to Committee on Finance.

Mr. Burnett introduced a Bill for relief of Exemption settlers. Read 1st & 2nd time and refrd to committee on public lands.

Mr. Hartley presented a claim from the City of Galveston for money advanced for military purposes which was refered to the Committee on Finance.

A Bill for the protection of the frontier of the State of Texas - Read 2nd time Mr. Shelleys motion to strike out the 8th Section was put and carried.

Mr. Guinn offered the following amendment "That said regiment shall not become a charge against the State until the Confederate Government musters out of service the regiment now stationed upon the frontier or refuses to accept this regiment in lieu thereof" laid on the table by the following vote

Yeas; Messrs Boyd Cook, Crawford of St. Darden, Dickson, Erath, Finley Graham, Harcourt, Hartley, Houston Lea, Mitchell, Obenchain, Reed Scarborough, Shelley Weatherford, 18.

Nays, Messrs Batts Branch, Burnett Crawford of J. Guinn Moore Parsons, Selman, Shepard & Wheeler, 11.

Mr. Darden offered the following amendment "That no portion of said troops shall become a charge until they are mustered into service or placed under orders" adopted.

Mr. Shelley moved to amend by striking from 1st section the words "there shall be raised" and inserting "The Governor be and he is hereby authorized ~~to~~ if in his opinion it be necessary to raise" which on Mr. Grahams motion was laid on the table

Mr. Parsons moved to strike out 3rd section which motion was laid on the table by the following vote

Yeas. Messrs Boyd, Branch, Cook, Darden, Dickson, Erath, Graham, Guinn Harcourt, Hartley, Houston, Mitchell, Moore, Obenchain, Reed. Scarborough Shelley, Shepard, Weatherford 20.

Nays, Messrs Batts Burnett, Crawford of J. Parsons. Selman & Wheeler 6

Mr. Guinn moved to strike out the 7th Section which motion was laid on table.

Mr. Guinn moved an indefinite postponement which was lost by the following vote

Yeas, Messrs Batts, Burnett, Crawford of J. Guinn, Selman, & Shields 6

Says, Messrs Boyd Branch Cook Darden, Dickson Craft Graham Harcourt Hartley Houston Ochiltree Mitchell Moore Obenchain Parsons, Reed, Shelley, Scarborough Shepard & Weatherford 20. The bill was then passed to a 3rd reading.

Mr Burnett introduced a Bill for the relief of A. Wilson Read 1st & 2nd time and refered to committee on private land claims.

The rule was suspended on a bill for the protection of the frontier on the motion of Mr. Graham. bill read 3rd time

Mr. Shelley moved to amend by striking out ale after the word "Adjutant General" in 5th Section and inserting "shall as soon as ordered by the Governor" adopted.

Mr. Rea moved to amend 9th section by adding "from and after the first day of March next" adopted.

Mr. Shepard offered the following amendment "Sec 10. That the Governor shall have power to disband said regiments whenever in his judgment the services thereof shall no longer be necessary for frontier protection should the same not be accepted by the Confederate government under the provisions of this act" Adopted.

A message was received from the House announcing the passage of the following Senate bills.

Bill to amend the 12th Section of an act to incorporate the town of Mt Vernon in Titus County

Bill for relief of Hon A.W. Sticks, and the following house bills.

A Bill to amend the 2 & 4 section of an act to prevent judgments from becoming dormant and to create and preserve judgment liens. &c &c

A Bill to incorporate the Texas powder company

Mr. Wheeler introduced a Bill to authorize and require the Commissioner of the General Land office to issue patents for the land located by virtue of unconditional certificate No 16 issued to Joshua Bradshaw by the board of Land commissioners of Angelina County &c Read 1st & 2d time and refered to committee on private land claims.

On motion the senate adjourned until 7 oclk P.M.

7 oclk P.M.

Senate met. Roll called. Quorum present.

Resolution offered on yesterday adopting the five minutes rule was on motion of Mr. Dickson laid on table. and on Mr. Wheelers motion the vote was reconsidered. Mr Gurrin moved to strike out "five" and insert "ten" and on Mr Dickson motion the resolution and the proposed amendment were laid on the table

Mr Shelley moved to reconsider a vote by which the Senate refused to engross a Bill for the endowment of professorships in Colleges and to make the consideration thereof the special order for 11 oclk A.M. to morrow carried.

Mr. Gurrin chairman of the committee on claims and accounts on behalf of a majority of the committee reported a Bill for relief of Thompson & Kennick, assignees of R. S. Rondeau and recommended its passage, and, as a minority of said committee dissented upon constitutional grounds.

Mr. Harcourt presented the petition of A. G. Shaw. Refered to committee on Militia.

A Bill creating a Hospital fund for the soldiers from the State of Texas Read 2nd time.

Mr Casey moved to insert "person or persons" Adopted.

Mr Shepard moved to strike out 30,000$ adopted. Mr Shepard then moves to insert 100,000$ Mr Lea moved to amend so as to insert 200000$ adopted.

Mr Marcomb moved to amend by fixing the salary of the agent at 500$ per annum, Mr Hartley proposed 200$ pr month.

Mr Harden proposed to amend as follows "Provided that the Governor may appropriate any portion of these funds to such of the Hospitals that have received and treated Texan soldiers"

Mr Weatherford offered the following amendment "Provided that the Governor shall appoint no one who is not willing to discharge the duties imposed upon such agent for the same sum as a private in the ranks besides his expenses."

Mr Shepard offered to amend as follows "That it shall be the duty of each and every agent so appointed to make monthly reports to the Governor of the State of the amounts of money expended by him and of the number and condition of the sick and wounded who have been under his charge."

On Mr Caseys motion the Bill and amendments proposed were refd to the committee on Military affairs

A message was received from the House announcing the passage of the following bills

Bill to authorize the County courts of Nacogdoches and other counties therein named to regulate the pay of Sheriffs in certain cases. Ref to Jud. com.

Bill providing for the transfer of all suits pending in the U. S. District courts or previous to 2nd March 1861 to the appropriate C. S. courts &c

Bill to incorporate the Morgelan Manufacturing Company. State affairs

Bill for the relief of Thomas Eanes. Refd to Military committee

Bill for the relief of Mrs Ann C. Baxter Refd to Com Private Land claims

Bill to prevent the sale of intoxicating liquors within 4 miles of Fort Worth. Referred to Judiciary committee

Bill to repeal Arts 1462 & 1465 C. & M. Digest. Refd to Jud com.

Bill for relief of John P. Gill. Refd to Com Private Land Claims

Bill giving privileges to use salines, Salt Springs &c

Bill to repeal certain estray laws in certain counties and to revive certain estray laws in other counties. Refd to Committee on State affairs

Joint Resolution relative to the two guns known as "twin sisters" Refd to Mil com. Bill prescribing the duties of clerks of County courts in certain cases. to Jud com. Bill to authorize the Superintendent to receive Minerva A Fannin into the Lunatic Asylum. Refd to Committee on State affairs

Bill to make valid all acts and contracts of the Corporate authorities or supposed corporate authorities of the town of San Felipe since 1st of August 1859 Refd to Jud. com.

Bill to reincorporate San Felipe de Austin Refd to Judiciary committee

Bill for relief of heirs of Allen Hoy. Refd to Com Private Land Claims

Bill for relief of heirs of Saml M. Norland. Refd to Com on Claims & accounts.

Mr Gurrin chairman of the Committee on Claims and accounts reported a bill making an appropriation to pay the Commissioners to the friendly Indians and recommended its passage.

On motion of Mr Parsons the Senate adjourned until 10 o'clock A.M. to morrow.

Friday December 13th 1861

Senate met pursuant to adjournment Prayer by the chaplain. Roll called quorum present. The journal of yesterday was read and adopted.

Mr Scarborough chairman of the committee on public lands reported a bill to amend the 4th and repeal the 6th section of an act to regulate the public printing and recommended its passage

Mr Boyd chairman of the committee on Roads Bridges & ferries reported a Bill to exempt the class of Persons therein named from work on Roads and Highways and recommended its passage. also a bill to Incorporate the Pulaski Bridge Company.

Mr Weatherford chairman of the committee on Private Land claims reported a Bill for the relief of Wm Mormans and recommended that it do not Pass.

Mr Rea introduced a Bill to provide for special terms of the District Courts for persons charged with high crimes. Read 1st & 2nd time and referred to Judiciary Committee. Also a bill to regulate proceedure of district judges in cases of Habeas Corpus Read 1st & 2d time and ref'd to Judiciary committee. also a Bill to regulate proceedure of District Courts in Injunction. which was also ref'd to Judiciary Committee

Mr Casey introduced the following resolution, "Resolved that his Excellency the Governor be and he is hereby requested, if not incompatible with the public interest, to communicate to the Senate a copy of any order or orders he may have recently received from General Hebert for arms belonging to the State that are or may have been on deposit at the capitol."

Mr McCorkle offered the following amendment "and that he shall also communicate to the Senate any order he may have issued to General Hebert" Accepted and resolution adopted.

A Bill to locate the County site of El Paso County Read 1st & 2d time and referred to committee on County boundaries.

Joint Resolution to increase the pay of privates in the Confederate Army Read 1st & 2nd time and ref'd to committee on Military affairs.

A Bill for the relief of Nelson Tarver. Read 1st & 2nd time and referred to committee on Finance.

A Bill allowing J P & D. McKeenan to adopt a female child Read 1st & 2nd time and refer to select Committee of three consisting of Messrs Weatherford Boyd & Hudson.

A Bill authorizing the several county Courts to collect a special tax for road purposes. Read 1st & 2d time and ref'd to Judiciary committee.

Mr Shelley introduced a Bill for the relief of Eli Kirk Read 1st & 2d time and ref'd to Judiciary Committee.

A Bill supplemental to an act to regulate stray Read 1st & 2d time and referred to special committee of Messrs Houston Cravens Wm Weatherford and Jordan

A Bill for the pay of State troops under Col Jno S. Ford Read 2nd time substitute of Committee laid on table on Mr Caseys motion. Mr Casey then offered the following amendment strike out the letter "y" in the word "year" also "1860" add after the word "Rio" these words "that served on the lower Rio Grande and were mustered out of service by Charles Lovenskiold" Adopted.

Bill read 3rd time and passed.
A Bill for the protection of the wool growing interests of Texas, Read 2nd time substitute of committee adopted. Mr. Darden moved to recommit the bill. Lost. Mr. Darden then offered the following amendment after the word "lease" insert "so as to come in contact with the sheep of other persons or range so as to communicate the disease to other sheep"
On Mr. Erath's motion the amendment was laid on table.
Mr Boyd offered the following amendment "All fines collected under the provision of this act shall be paid into the county treasury and be used for county purposes". adopted. Bill read 3rd time and passed.
Mr. Burnett chairman of committee on Enrolled Bills reported as correctly enrolled, properly signed and presented to the Governor the following bills.
Bill to amend the 12 section of an act to incorporate the town of Mount Vernon in Titus county.
Bill for relief of Hon A. W. Hicks
A Bill to amend the 1st Section of an act prescribing the order of determining cases in the Supreme Court, being in order. Mr Parsons substitute was laid on the table on Mr Marcont's motion. The bill was then passed to a 3rd reading. Rule suspended Read 3rd time & passed
Mr Dickson introduced a Bill to reduce the State expenses. Read 1 & 2 time and referred to committee on State affairs.
A Bill for relief of Nat M Burford. Read 2nd time substitute & committee adopted.
A message from the house announcing that the House had agreed to Senate Amendments to a Bill for the protection of the frontier except the one to 8th Section and upon that they has appointed Messrs Russell Chalmers & Towns a committee of Conference.
On motion of Mr Shepard the Senate adjourned until 25 minutes after 9 oclk to morrow morning.

Saturday December 12 1863

Senate met pursuant to adjournment. Prayer by the Chaplain. Roll called quorum present. The journal of yesterday was read and adopted.
On motion of Mr. Erath the Senate insisted on their amendment to the 8th Section of a Bill for the protection of the Frontier and Messrs Erath, Shelley and Darden were appointed a committee of Conference.
Mr. Marcont chairman of the Judiciary committee reported the following bills and recommended their passage. A Bill for the relief of R. A. Henson A. Bill to prevent the sale of intoxicating liquors within 4 miles of Fort Worth. A Bill prescribing the duties of clerks of County courts in certain cases A Bill to authorize the County courts of counties therein named to regulate the pay of Sheriffs in certain cases A Bill to reincorporate the town of San Felipe. A Bill to make valid all acts of the Corporate or supposed corporate authorities of the town of San Felipe since 1st of August 1839. Also a Bill to amend the 2 & 4 sections of an act to prevent judgments from becoming dormant & recommending a substitute and its adoption & passage.
Mr Parsons presented the petition of the Ladies of New London in Rusk County which was referred to the committee on State affairs.
Mr. Weatherford chairman of the committee on Private Land claims

reported the following bills and recommended their passage.

Bill for the relief of Artemicia Wilson. Bill for the relief of F. A. Sherman.

Bill to authorize and require the commissioner of the General Land office to issue patent to Joshua Bradshaw &c. & Bill for relief of heirs of Abner Fore.

Mr. Shelby introduced a bill to authorize the commissioner of claims to approve a certain bounty land warrant therein named. Read 1 & 2. time and refrd to committee on Court of Claims

A message from the House announced the passage of senates bill to incorporate the Austin Hook & Ladder company.

A Bill for relief of N. M. Burford. Read 2nd time:- Mr Gurrin moved to strike out $312.50 and insert $437.50 whereupon Mr Weatherford moved to lay the amendment on the table which was lost by the following vote,

Yeas. Messrs Boyd Cook Darden Dickson Finley Graham Houston Jordan, Mitchell Abernathy Parsons Shepard & Weatherford 13.

Nays. Messrs Batte, Branch, Burnett, Crawford of T. Durant Erath Gurrin Hartley Lea, Moore Scarborough, Selman, Shelley and Wheeler, 14.

Mr. Gurrin then offered a substitute which was adopted whereupon he proposed to strike out the amount named in the bill and insert $437.50. a division of the question being called the motion to strike out was sustained. Mr. Dickson then moved to fill the blank with $2625 The Yeas and nays stood thus.

Yeas. Messrs Boyd Cook Darden Dickson Erath Finley Graham Houston Jordan Lea Mitchell Abernathy Parsons, Scarborough Shepard and Weatherford 16.

Nays. Messrs Batte, Branch, Burnett, Crawford of T. Crawford of J. Durant, Gurrin Harcourt Hartley Moore and Wheeler 11.

Mr Harcourt offered the following amendment "and that the State Treasurer be and he is hereby authorized and directed to pay to the Hon R. E. B Baylor judge of the 3rd judicial district $750 being the difference in the increase of salary from 2nd of Febry 1856 to 2nd Aug. 1857 so as to equalize his payment with that of Hon N M Burford judge of 16th district" On Mr Parsons motion the amendment was laid on table

Mr. Gurrin offered the following amendment "That this amount be not paid unless the Comptroller shall find it to be based on a preexisting law" On Mr Parsons motion the amendment was laid on the table and the bill ordered to be engrossed.

Mr Shepard moved to suspend the rule; which was lost

A Bill for the endowment of professorships in Colleges. Read 2nd time.

Mr. Shelley offered the following amendment "Provided further that no portion of said lands shall in any manner be sold transferred or hypothecated until after the expiration of two years from the passage of this act."

Mr. Harcourt moved an indefinite postponement, which was lost by the following vote

Yeas. Messrs Boyd Burnett Crawford of T Crawford of J. Durant Graham, Gurrin, Harcourt Hartley Parsons Selman Weatherford, Wheeler 13.

Nays, Messrs Batte Branch Cook Darden Dickson Erath Houston Jordan Lea Mitchell, Moore. Scarborough Shelley & Shepard 14.

Mr Darden proposed to amend the amendment by adding "nor for less than One dollar per acre" Lost

Mr. Durant offered the following amendment "That One league of land be and is hereby donated to each county in the State. The several commissioners shall select some school in their respective counties to which the proceeds of the sale shall be appried for the purpose of carrying on the militia training of the youth of the

County" On Mr. Branch's motion laid on the table by the following vote.

Yeas, Messrs Baltte, Boyd, Cook Crawford of Ft. Darden, Craft, Finley, Hartley Houston Jordan, Lea, Mitchell, Moore, Obenchain, Scarborough, & Shepard. 15

Nays. Messrs Burnett, Crawford of L. Dickson, Durrant, Graham, Grimm, Harcourt Parsons, Selman, Shelby, Weatherford & Wheeler. 12

On motion of Mr. Darden the Senate adjourned until 3 oclk P. M.

3 oclk P. M.

Senate met- roll called- quorum present.

Mr. Hartley, Chairman of committee on State affairs reported a Bill to incorporate the Texas Border Company and recommended its passage.

Mr. Crawford Chairman of committee on Engrossed bills reported a Bill for relief of Hon N W Burford correctly engrossed.

Mr. Hartley, chairman of committee on State affairs reported a bill to establish a more perfect system of patrol and recommended its passage.

Mr. Dickson from a select committee on its behalf made a report recommending the adoption and passage of a substitute for a bill to authorize certain persons to adopt a female child.

Mr. Reed Chairman of committee on County boundaries recommended the passage of a bill to repeal an act supplemental to and amendatory of the act creating the County of Kaufman.

Mr. Branch introduced a Joint resolution instructing our Senators and requesting our Representatives in the C. S. congress to procure certain modifications of the sequestration act. Read 1st time

Mr Jordan introduced a Joint Resolution recommending to the people of Texas to curtail the planting of Cotton during the existing war. Read 1st time

A Bill to amend the 1 & 11 sections of an act to authorize the sale of the public domain - Read 3rd time & passed.

A Bill to repeal an act to authorize the County Court of Nueces County to levy a special tax - Read 2nd time & passed to 3rd reading - Rule suspended, Read third time and passed.

A Bill to change the names of the counties of Cass and Buchanan - Read 2nd time Mr. Harcourt moved to amend by changing the name of Dallas County to that of Manassas Laid on table. The bill was then passed to a 3rd reading - Rule suspended - Read 3rd time and passed.

A Bill allowing the laws of the Confederate States to be received in evidence - Read 2nd time - Passed to 3rd reading - Rule suspended - Read 3rd time & passed.

A Bill to repeal an act to provide for the sale of certain properties belonging to the State now in the hands of the Adjutant General. Read 2nd time & laid on table.

A joint Resolution proposing an amendment to the Constitution read 2nd time substitute of Committee adopted and made special order for Tuesday 17 dec: at 11 o'clock A.M.

A Bill concerning the issuance of injunctions in certain cases - Read 2nd time and made special order for Wednesday 11 oclk A. M.

A Bill for relief of Wm N. Hughes assignee of Jonathan Bird - Read and ordered to be engrossed - Rule suspended, Read 3rd time and passed

A Bill for relief of minor heirs of N. B. Cooper - Read 2nd time and the report of committee adverse to its passage adopted.

A Bill in regard to paying County scrip for liquor license in Cameron County. Read 2nd time and ordered to be engrossed - Rule suspended - Read third time and passed:

A Bill to amend the 10 & 23 sections of an act to reduce into one and amend the several acts concerning executions. read 2nd time - amendment reported by committee laid on table and bill passed to 3rd reading.

Mr Shelley moved to strike out the 2nd section. Lost.

On motion of Mr. Branch the Senate adjourned until 9 o'clk. Monday Morning.

Monday December 16. 1861

Senate met pursuant to adjournment - Prayer by the Chaplain - roll called quorum present. The journal of Saturday was read and adopted.

Mr Gwin presented the Credentials of Mr. Beasley senator elect from the sixth senatorial district and thereupon Mr. Beasley came forward and took the oath of office and his seat.

Mr. Burnett presented the petition of sundry citizens of Trinity county asking a change in the Charter of the Trinity valley railroad - referred to committee on Internal Improvement.

Mr. Hartley presented the account of C. K. Afford which was read and referred to committee on Military affairs.

Mr. Burnett presented the memorial of James H. Parker which was referred to committee on private land claims.

Mr. Cook chairman of committee on public lands reported a bill to extend the time for the return of preemption field notes and the payment of dues thereon. with an amendment recommending its adoption. and the passage of the bill.

Amendment " Sec 2. That all those who have settled on the public domain under an act to authorize the sale of the public domain and an act amendatory thereto approved 1st Febry 1861 and all those who may settle under acts within 12 months from the passage of this act shall have four years from the passage of this act to pay the amount prescribed by said laws; any law to the contrary notwithstanding"

Mr Hartley Chairman of committee on State affairs reported the following bills and recommended their passage.

A Bill to repeal an act supplemental to an act to regulate estrays appd Feb. 5. 1861

A Bill supplemental to an act to regulate estrays appd Feb. 5 1861 appd Apl 6 1861 and to revive an act to regulate estrays appd Feb. 5. 1850 and an act appd Decr 17. 1851 in certain counties hereinafter named, and

A bill to incorporate the Marcellina Bridge and Manufacturing Company

Mr Burnett Chairman of committee on Enrolled bills reported a Bill to incorporate the Austin Hook & Ladder Company correctly enrolled properly signed and presented to the Governor for his approval.

Mr Houston chairman of a select committee reported an act supplemental to an act to regulate estrays appd 6 Apl 1861 and recommended its passage.

Mr Burnett offered a resolution to adjourn sine die on Monday Dec 23rd 1861. at 10 o'clk P. M.

Mr. Gwin introduced a Joint Resolution authorizing and requiring the Governor to call into the service of the State 10000 men to serve for six months unless sooner discharged. Read 1st time

Mr. Abenchain introduced a Bill to amend an act to amend the 2. 3 & 9 sections of an act to authorize the sale of the public domain Read 1st & 2 time and referred to committee on Public Lands

Mr Shelley introduced a Bill to amend the 1st section of an act requiring the return

of unconditional certificates to the General Land office Read 1 & 2 time and referred to the Committee on public lands.

A Bill to amend the 10. & 23 sections of an act to reduce into one and amend the several acts concerning executions passed Jany 27. 1842 Read 3d time and lost by the following vote on call of the Senate Mr Casey having been excused.

Yeas Messrs Batte, Boyd, Branch, Burnett, Finley, Gwinn, Harcourt, Hartley Jordan, Ridsley, Reed, Selman & Shepard 14.

Nays. Messrs Cook, Crawford of F. Crawford of J. Darden, Dickson Durant, Gaut Graham, Houston, Lea, Moore, Obenchain, Parsons, Scarborough, Shelley, Weatherford & Wheeler 17.

A message was received from the House informing the Senate of the passage of the following bills.

A Bill to perfect the organization of the State troops and place the same on a war-footing. Taken up. Read 1st & 2. time and refd. to committee on Military affrs.

A Bill to incorporate the Texas manufacturing company

A Bill to amend an act to authorize the County Court of Collin county to levy a special tax for the erection of a Court House therein passed 2 Jany 7. 1846. Refd. to Com. on State affrs.

Mr. Crawford of J. chairman of Committee on Engrossed bills reported a Bill for the relief of Wm V. Hughes Assignee of Jonathan Byrd correctly engrossed.

A Bill for the relief of A. A. Newson. read 3d time and ordered to be engrossed - Rule suspended Read 3d time and passed unanimously.

A Bill for the relief of A. Cook, read 3d time and passed by the following vote

Yeas. Messrs Boyd, Branch, Cook, Crawford of J. Darden, Dickson, Finley, Jordan, Lea, Mitchell, Moore, Reed, Scarborough, Shelley, Shepard & Weatherford 16.

Nays. Messrs Batte, Burnett, Crawford of F. Durant, Gaut, Graham, Gwinn, Harcourt, Hartley, Houston, Reasley, Obenchain, Parsons, Selman & Wheeler 16

A Bill for the endowment of professorships in Colleges - Read 2d time and lost on its engrossment by the following vote

Yeas. Messrs Batte, Branch, Cook, Crawford of F. Gaut, Finley, Jordan, Lea, Mitchell, Moore, Reed, Scarborough, Shelly, & Shepard 14.

Nays, Messrs Boyd, Burnett, Crawford of J. Darden, Dickson, Durant, Graham, Gwinn, Harcourt, Hartley, Houston, Reasley, Parsons, Selman, Weatherford & Wheeler 16.

A bill to amend the 2 section of an act to regulate interest - Read 2d time and passed to a third reading. Rule suspended. Read 3d time and passed.

Mr Crawford of J. chmn of Committee on Engrossed bills reported a bill to authorize the payment of Cameron County scrip for county license by the said county for liquor license correctly engrossed.

A Bill to incorporate the Texas Manufacturing Company Read 2d time & refered to committee on State affairs

A Bill to incorporate the Marcellina Brick and manufacturing company read 2d time and passed to 3d reading - Rule suspended Read 3d time and passed Mr Boyd voting nay.

A Bill to incorporate the Texas Border Company Read 2d time. Rule suspended Read 3d time and passed by the following vote

Yeas, Messrs Batte, Boyd, Branch, Cook, Crawford of F. Durant, Gaut Graham, Gwinn, Harcourt, Hartley, Houston, Jordan, Lea, Mitchell, Moore, Reed, Obenchain, Parsons, Scarborough, Selman, Shelly, Shepard, Weatherford & Wheeler 25

Nays. Messrs Crawford of J. Darden, Dickson, [illegible]

A Bill for relief of the heirs of Robert Pearson. Read 2nd time and passed to 3rd reading - rule suspended - Read 3rd time and passed.

A Bill to amend the 125 section of an act to incorporate the East fork bridge Company Read 2nd time and passed to 3rd reading Rule suspended Read 3rd time and passed without objection.

A Bill for relief of heirs of Harvey Murphy. Read 2nd time and passed to 3rd reading Rule suspended Read 3rd time and passed.

A Bill for the relief of Hon S. M. Burford. Read 3rd time and passed by the following vote

Yeas. Messrs Boyd, Harden, Dickson, Clark, Finley, Graham, Harcourt, Houston, Jordan, Lea, Mitchell, Moore, Obenchain, Parsons, Reed, Scarborough, Shepard and Weatherford 18.

Nays. Messrs Batte, Branch, Burnett Crawford of J. Alcorn, Gunn, Hartley Beasley, Delman & Wheeler 11.

A Bill for the relief of Peter Norton. Read 2nd time & passed to 3rd reading Rule suspended Read 3rd time & passed

A Bill for the relief of Wm A. Grady. Read 2nd time and ordered to be engrossed Rule suspended Read 3rd time and passed.

A message was received from the House announcing the passage of a Bill supplementary to and Amendatory of an act to incorporate the Memphis & El Paso rail road company. which was read 1 & 2. time and ref'd to Committee on Internal Improvements

Mr. Jordan introduced a Joint Resolution requesting the Governor to appoint Wm Edward. Enrolling officer. to enrole a regiment of Infantry. Read 1 & 2 time and ref'd to committee on Militia affairs

On motion the Senate adjourned until 7½ o'clk P.M.

7½ o'clk P.M.

Senate met roll called - Quorum present.

Mr Beasley was added to committee on Internal improvements.

A Bill for the relief of the Eastern Texas rail road Company. Read 2nd time. Mr. Parsons offered a substitute which with the bill was ref'd to Committee on Internal Improvements.

A Bill to amend the act of Limitations. Read 2nd time and passed over on a call of the Senate.

A Bill to validate the official acts of J. M. Connelly sheriff of Cass County - Report of committee adverse to the bill adopted.

A Bill supplemental to an act to incorporate the west fork bridge company - Read 2nd time Amendment of committee adopted and bill ordered to be engrossed - Rule suspended Read 3rd time

Mr. Hartley moves to amend by striking out all after the word "limits" in 1st section - adopted. The bill was then postponed until 11 o'clk to morrow.

The call of the Senate having been suspended the Bill to amend the act of Limitations was refer'd to Judiciary committee.

A Bill to regulate the time and place of electing Confederate States Senators Read 2nd time. Mr Hartley moves to lay on table which was carried by the following vote

Yeas. Messrs Burnett, Crawford & J. Dickson, Clark, Finley, Graham, Hartley Mitchell Moore, Beasley, Obenchain Parsons, Delman & Weatherford 12

Nays. Messrs Branch, Crawford of T. Harden, Gunn, Harcourt, Houston, Jordan Lea, Scarborough, Shelley, Shepard & Wheeler, 12.

Mr. Clark Chairman of committee on Public Lands reported a substitute for

of unconditional certificates to the General Land office Read 1 & 2. time and referred to the Committee on public lands.

A Bill to amend the 10. & 23. sections of an act to reduce into one and amend the several acts concerning executions passed Jany 27. 1842 Read 3d time and lost by the following vote on call of the Senate Mr Casey having been excused.

Yeas Mesrs Batte, Boyd, Branch, Burnett, Finley, Gwinn, Harcourt, Hartley Jordan, Beasley, Reed, Selman & Shepard 14.

Nays. Mesrs Cook, Crawford of F. Crawford of L. Harden, Dickson Durant, Clark Graham, Houston, Lea, Moore, Obenchain, Parsons, Scarborough, Shelley, Weatherford & Wheeler 17.

A message was received from the House informing the Senate of the passage of the following bills.

A Bill to perfect the organization of the State troops and place the same on a war footing. Taken up. Read 1st & 2. time and refd. to committee on Militia affrs.

A Bill to incorporate the Texas manufacturing company

A Bill to amend an act to authorize the county Court of Collin county to levy a special tax for the erection of a Court House therein passed Janry. 7. 1842. Refd. to Com. on State affrs.

Mr. Crawford of L. chairman of Committee on Engrossed bills reported a Bill for the relief of Wm V. Hughes Assignee of Graham Byrd correctly engrossed.

A Bill for the relief of R. A Newson. read 3rd time and ordered to be engrossed - Rule suspended Read 3d time and passed unanimously.

A Bill for the relief of A Hook, read 3d time and passed by the following vote

Yeas. Mesrs Boyd, Branch, Cook, Crawford of L. Harden, Dickson, Finley, Lea, Mitchell, Moore, Reed, Scarborough, Shelley, Shepard & Weatherford 16.

Nays. Mesrs Batte, Burnett, Crawford of F. Durant, Clark, Graham, Gwinn, Harcourt, Hartley, Houston, Beasley, Obenchain, Parsons, Selman & Wheeler 16

A Bill for the endowment of professorships in Colleges - Read 2nd time and lost on its engrossment by the following vote

Yeas. Mesrs Batte, Branch, Cook, Crawford of F. Clark, Finley, Jordan, Lea, Mitchell, Moore, Reed, Scarborough, Shelley, & Shepard 14.

Nays, Mesrs Boyd, Burnett, Crawford of L. Harden, Dickson, Durant, Graham, Gwinn, Harcourt, Hartley, Houston, Beasley, Obenchain, Parsons, Selman, Weatherford & Wheeler 16

A bill to amend the 2 section of an act to regulate interest - Read 2nd time and passed to a third reading. Rule suspended. Read 3d time and passed.

Mr. Crawford of L. chmn. of Committee on E. grossed bills reported a bill to authorize the payment of Cameron County scrip for county licenses by the said county for liquor licenses correctly engrossed.

A Bill to incorporate the Texas Manufacturing Company Read 2nd time & refered to committee on State affairs

A Bill to incorporate the Marcellina Brig and manufacturing company read 2nd time and passed to 3d reading - Rule suspended Read 3d. time and passed as Boyd voting nay.

A Bill to incorporate the Texas Border Company Read 2nd time. Rule suspended Read 3d time and passed by the following vote

Yeas, Mesrs Batte, Boyd, Branch, Cook, Crawford of F. Dickson, Clark Graham, Gwinn, Harcourt, Hartley, Houston Jordan, Lea, Mitchell, Moore, Beasley Obenchain, Parsons, Scarborough, Selman, Shelley Shepard, Weatherford Wheeler 25

Nays. Mesrs Crawford of L. Harden, Durant 3.

A Bill for relief of the heirs of Robert Pearson. Read 2nd time and passed to 3rd reading rule suspended – Read 3rd time and passed.

A Bill to amend the 125 section of an act to incorporate the East fork bridge Company Read 2nd time and passed to 3rd reading Rule suspended Read 3rd time and passed without objection.

A Bill for relief of heirs of Harvey Murphy. Read 2nd time and passed to 3rd reading. Rule suspended Read 3rd time and passed.

A Bill for the relief of Hon S. M. Burford. Read 3rd time and passed by the following vote

Yeas. Messrs Boyd, Harden, Dickson, Pratt, Finley, Graham, Harcourt, Houston, Jordan, Lea, Mitchell, Moore, Obenchain, Parsons, Reed, Scarborough, Shepard and Weatherford 18.

Nays. Messrs Batte, Branch, Burnett Crawford of J. Duncan, Gunn, Hartley Beasley, Selman & Wheeler 11.

A Bill for the relief of Peter Norton. Read 2nd time & passed to 3rd reading Rule suspended Read 3rd time & passed

A Bill for the relief of Wm A Grady. Read 2nd time and ordered to be engrossed Rule suspended Read 3rd time and passed.

A message was received from the House announcing the passage of a Bill supplementary to and Amendatory of an act to incorporate the Memphis & Red River rail road company which was read 1 & 2. time and refer'd to Committee on Internal improvements

Mr. Jordan introduced a Joint Resolution requesting the Governor to appoint Wm. Edwards Enrolling officer to enrole a regiment of Infantry. Read 1 & 2 time and refer'd to committee on Military affairs

On motion the Senate adjourned until 7 o'clk P. M.

7 o'clk P. M.

Senate met roll called – Quorum present.

Mr Beasley was added to committee on Internal improvements.

A Bill for the relief of the Eastern Texas rail road company. Read 2nd time. Mr. Parsons offered a substitute which with the bill was refer'd to Committee on Internal Improvements.

A Bill to amend the act of Limitations. Read 2nd time and passed over on a call of the Senate.

A Bill to validate the official acts of J. M. Connelly sheriff of Cass County – Report of Committee adverse to the bill adopted.

A Bill supplemental to an act to incorporate the west fork bridge company – Read 2nd time Amendment of committee adopted and bill ordered to be engrossed – Rule suspended Read 3rd time.

Mr Hartley moved to amend by striking out all after the word "limits" in 1st section – adopted. The bill was then postponed until 11 o'clk to morrow.

The call of the Senate having been suspended the Bill to amend the act of Limitations was refer'd to Judiciary committee.

A Bill to regulate the time and place of electing Confederate States Senators Read 2nd time. Mr. Hartley moved to lay on table which was carried by the following vote

Yeas. Messrs Burnett, Crawford & J. Dickson, Pratt, Finley, Graham, Hartley Mitchell Moore, Beasley, Obenchain Parsons, Selman & Weatherford 14

Nays. Messrs Branch, Crawford of A. Harden, Gunn, Harcourt, Houston, Jordan Lea, Scarborough, Shelley, Shepard & Wheeler, 12.

Mr. Pratt Chairman of committee on Public Lands reported a substitute for

a bill for the relief of preemption settlers and recommended its adoption.

A Bill for the relief of Rail road companies. Read 2nd time. Mr. Weatherford offered the following amendment "Provided that all rail road companies in order to avail themselves of the benefits of this act shall file in the comptrollers office their mortgage deeds to all the lands donated to them by the State as additional security for the payment of the principal and interest named in said act."

On motion the Senate adjourned until 10 oclk A.M. to morrow.

Tuesday December 17. 1861

Senate met pursuant to adjournment - Prayer by the chaplain - roll called. Quorum present. The journal of yesterday was read and adopted.

Mr. Harcourt chairman of the Judiciary committee reported the following bills with the recommendation that they do not pass.

A Bill authorizing the county Courts of the several counties in this State to levy and collect a special tax for road purposes &c.

A Bill to prescribe the mode of appropriating islands containing less than 160 acres

A Bill to provide for special terms of District Courts for trial of persons charged with high crimes.

A Bill to regulate procedure of District Judges in cases of Habeas Corpus

A Bill to regulate procedure of District Courts as to injunctions. and a substitute for a Bill to suspend the Statutes of Limitation in certain Cases recommending its adoption and passage.

Mr. Gurrin chairman of committee on claims and accounts upon the petition of Elias Cassels reported a Bill for his relief which was read 1st time

As chairman on the part of the Senate of the Joint committee on the Court of Claims Mr. Gurrin reported the following bills and recommended their passage; A Bill for the relief of certain persons therein named

A Bill to validate certain certificates for land therein named, and

A Bill amendatory of and supplementary to the act to reorganize the court of claims and to extend the time for the presentation of claims against the Republic or State of Texas approved February 7. 1860.

Mr. Hartley chairman of the committee on State affairs reported a substitute of the following bills respectively and recommended their adoption and passage,

A Bill to authorize the superintendent to receive Minerva J. Garrin into the Lunatic asylum and to contract with her guardian for her support and maintenance

A Bill to amend an act to authorize the formation of town and county agricultural societies appd. Febry 8. 1860; and the following bills recommending their passage

A Bill to incorporate the Texas manufacturing company.

A Bill to incorporate the Fort Bend manufacturing company.

Mr. Beasley introduced a Bill supplementary to the several acts incorporating the Southern pacific Rail Road Company and for the relief of said company - Read 1 & 2 time and refrd. to committee on Internal Improvement.

The amendment offered by Mr. Weatherford to the bill for the relief of Rail Road companies being in order, Mr. Weatherford moved a call of the Senate which being sustained Mr. Burnets resolution to adjourn sine die was taken up.

Mr. Erath moved to strike out Monday and insert Wednesday 25th

Mr. Scarborough moved to lay the Resolution and amendment on the table which

which the yeas and nays stood

Yeas Batte Cook Darden Durant Graham Guirin Harcourt Hartley Jordan Lea Mitchell Beasley Obenchain Parson Reed Scarborough, Selman Shelley & Shepard 19.

Nays. Messrs Boyd, Branch, Burnett Crawford of F. Crawford of J. Dickson Erath Finley, Moore, Weatherford & Wheeler 11

The committee of conference on the disagreement of the two houses on a bill for the protection of the frontia reported the following substitute for the 8th Section of the bill

"That no portion of said troops shall become a charge against the State until organized as required by the 5th Section of this act and placed under orders" which was adopted by the following vote

Yeas. Messrs Boyd Branch Cook, Crawford of F. Darden, Dickson, Durant, Erath Finley Graham Harcourt Hartley, Houston Jordan Lea, Mitchell Obenchain Reed Shelley, & Weatherford 20.

Nays. Messrs Batte, Burnett Crawford of J. Guirin, Moore, Beasley Parsons Scarborough, Selman, Shepard and Wheeler, 11.

The call having been suspended, Mr Harcourt moved to lay Mr Weatherfords amendment on the table, wherupon the bill and amendment were laid on the table.

Mr. Boyd one of the committee on Military affairs on behalf of the committee reported a Bill to perfect the organization of State Troops and place the same on a war footing with the following amendments

Strike from Sec 2. the words "post riders" and insert "mail carriers" and insert after "public roads" "Judges of the Supreme and district and clerks of said Courts, Secretary of State, Comptroller and Treasurer of the State, Chief Justices and clerks of the County Courts, all officers of the Confederate States, Engineers and conductors on Rail Roads, officers and Crews of steamboats and sheriffs"

Strike out Sec 9 and insert the following, "The organization of the militia of the State heretofore effected under the act of Febry 14 1862 shall be preserved so far as is consistent with the provisions of this act and shall hereafter be regulated by the same, and all officers elected by virtue of the act of Feb 14. 1862 shall continue to exercise the duties of their several offices until the 1st day of April 1862 or until such time thereafter as their successors may be elected and qualified under the provisions of this act unless such officers shall sooner resign or be removed, and there shall be elected in accordance with this act on the last saturday in March 1862 company and field officers to succeed those now in office under the act of Feb. 14 1862, and all commissions issued under the provisions of this act shall expire at the end of three years from their date except those of Brigadier Generals"

Add to sec. 17. " or unless his resignation shall be accepted by his superior officers"

Sec 20 strike out "Colonel" in 13th line and insert he"

Sec 21. insert after "12 months" in 3rd line "unless his resignation shall be accepted by his superior officer"

Sec 33 insert after the word "officers" "or private"

Sec 40 strike out the word "issued" and insert "appointed"

Sec 41 . . "division" . . "Brigade"

Sec 43 "all persons raising or organizing troops in this State under the authority of the Confederate States shall before the removal of said troops from this State file in the Adjutant Generals office a complete muster roll of said troops"

Change Sec 43 to 44

Sect. 44 Strike out "300" and insert "One thousand or so much thereof as may be necessary" The bill was then made special order for 11 oclk A M to morrow

Mr. Boyd chairman of committee on Roads Bridges and ferries reported a substitute for a bill to authorize James M. Flannagan and his associates to construct a bridge across the Sabine river and recommended its adoption and passage.

A message was received from the House informing the Senate that the House had adopted the Senates substitute for a Bill to repeal Articles 1462 & 1465 Oldham & White's digest and had refused to adopt senates substitute for a bill to protect the wool growing interests of the State of Texas.

A Bill for the relief of rail road companies - Read 2nd time. The yeas and nays being called on laying Mr Heatherford's amendment on the table stood thus.

Yeas Messrs Batte, Branch, Cook, Finley, Gurrin, Harcourt, Jordan, Moore & Shepard 9.

Nays Messrs Boyd Burnett Crawford of A Crawford of J. Darden, Dickson, Durant, Graham, Houston, Lea, Mitchell, Beasley, Obenchain, Parsons, Reed, Scarborough Selman, Shelley, Heatherford, Wheeler 20.

Mr. Durant offered the following substitute for the amendment.

"Provided that before said Rail Road companies shall be entitled to this relief they shall first execute a bond to the Comptroller of the State for all interest now due said bond to bear the same interest as the original and to be secured by mortgage on the lands. It is further provided that as the interest upon the original bonds shall become due, similar bonds and mortgages shall be executed during the continuance of this act."

Mr. Jordan offered the following as an amendment: strike out the words "given by the State to said Company" and insert "now owned or which may hereafter be acquired by said company by donations from the State" accepted whereupon the bill was refer'd to a select committee of nine - and Messrs Jordan, Gurrin, Shelley Shepard, Dickson, Cook, Lea, Heatherford & Harcourt were constituted said Committee.

The Senate then adjourned until 7½ oclk P.M.

7½ oclk P.M.

Senate met - roll called - quorum present.

Mr Harcourt moved to reconsider the vote passing the bill for the relief of Hon. N M Burford

Mr Gurrin moved that the Secretary be instructed to request from the House of representatives the return of the bill, it having been transmitted to that branch of the Legislature

Mr. Shepard made a question of order whereupon the President ruled that both Mr. Harcourts and Mr Gurrins motion were out of order, when Mr. Gurrin appealed and thereupon the Senate refused to sustain the decision of the president by the following vote

Yeas, Messrs Beasley, Boyd, Dickson, Finley, Graham, Houston Moore Obenchain, Reed, Scarborough, Shepard & Heatherford 12.

Nays. Messrs Batte, Branch, Burnett, Cook, Crawford of A. Crawford of J. Darden, Durant, Erath, Gurrin, Harcourt, Jordan Lea Mitchell Selman Shelley and Wheeler 18.

Mr. Heatherford then moved to lay Mr. Gurrins motion on the table upon which the yeas and nays stood thus

Yeas. Messrs Beasley, Boyd Cook Dickson Erath, Finley, Graham, Houston Lea, Moore, Obenchain, Reed, Scarborough Shepard & Heatherford 15

Nays. Messrs Batte, Branch, Burnett, Crawford of A Crawford of J. Darden, Durant, Gurrin, Harcourt, Hartley, Jordan, Mitchell, Selman, Shelley & Wheeler 15. The president voting nay -

Mr. Shepard then moved a call of the Senate which being sustained a Bill supplemental to an act to incorporate the west fork bridge Company

was taken up, read 2nd time and ordered to be engrossed. Rule suspended - Read 3rd time and passed by the following vote.

Yeas Messrs Batte Beasley Burnett, Cook, Crawford of Hamm Dickson Finley Graham Guinn, Harcourt Houston Jordan, Mitchell, Moore, Obenchain, Parsons, Reed Scarborough Selman, Shelley Shepard & Weatherford 22.

Nays. Messrs Boyd Branch Crawford of J. Durant Lea & Wheeler 6.

The call having been suspended the Senate refused to carry Mr Guinn's motion to instruct the Secretary &c. by the following vote.

Yeas, Messrs Batte Branch, Burnett Crawford of H. Crawford of J. Darden Durant Guinn, Harcourt, Hartley, Jordan Mitchell Moore Selman, Shelley and Wheeler 14.

Nays. Messrs Boyd Beasley Cook, Darden Dickson, Craft Finley Graham Houston Lea, Moore. Obenchain, Parsons, Reed Scarborough Shepard and Weatherford 17.

A joint resolution to amend the Constitution being in order was read 2nd time: Mr. Durant offered the following amendment, after the word "law" add, "and no one session shall continue longer than sixty days"

Upon Mr. Shelley motion the resolution was indefinitely postponed by the following vote

Yeas Messrs Batte Beasley Cook Jordan, Darden Durant Graham, Guinn Harcourt Hartley, Lea Mitchell Obenchain Parsons Reed Scarborough Selman Shelley & Shepard 19

Nays. Messrs Boyd Branch Burnett, Crawford of H. Crawford of J. Dickson Craft Finley, Moore, Weatherford & Wheeler 11.

Thereupon the Senate adjourned until 9½ A M to morrow.

Wednesday December 18. 1862

Senate met pursuant to adjournment. Prayer by the Chaplain - roll called quorum present. The journal of Yesterday was read and adopted.

A Bill to incorporate the Texas manufacturing company. Read 2nd time and passed to a 3rd reading On motion of Mr Harcourt the name of C. H. Taitt was stricken out The bill was then read 3rd time and passed Mr. Dickson only voting Nay

Mr Craft Chairman of the Committee on Public Lands reported the following as amendments to a Bill to amend the 1st section of an act requiring the return of unconditional certificates to the General Land office.

Strike out "January A D 1863" and insert "October A D 1862"

Add to 1st Section "Provided that this act shall not be so construed as to interfere with or affect, vested rights or revive and render valid any certificate location or survey which has been forfeited or annulled by a failure to comply with the requirements of the act to which this is an amendment"

Mr. Guinn made the following reports from the Joint committee on the Court of claims "after careful examination the committee have rejected the following applications for Land.

Wm. Derryman for Indian and Labor The heirs of Timothy Hart for head right and additional bounty and Maria J Smith for a headright

"and have instructed that the following facts in the application of the heirs of Franais Asbury Jarrett be reported to wit, Rev. F. A. Jarrett left the State of Tennessee in the fall of 1835 for the purpose of selecting and securing himself a home in the then province of Texas that in his travels towards the west he arrived at the Camps of Col Fannin, on the Colletto, one day before the battle between Col Fannin and the Mexican forces, that from the testimony of one witness who alledges that he participated

in said battle and escaped. the massacre it appears that said Garrett also received a wound from which he shortly afterward died. Neither the witness nor the deceased appear to have been members of the Army prior to the battle, hence neither of their names appear on Fannins roll, As they were not members of the Army the deceased would not be entitled to bounty land, but if the Legislature should conclude the proof sufficiently clear that he was in the battle he would be entitled to 640 acres donation land; and if it were shown (which it is not) that he had taken the oath of allegiance to Texas he would be entitled to 1/3 League of land as a headright. All of which with the statement of the attorney Mr Mclerond is herewith respectfully submitted."

A Bill for relief of the heirs of Francis Asbury Garrett- Read 1st time.

Mr Parsons chairman of the committee on Internal Improvements reported the substitute for a Bill for the relief of the East Texas Rail Road company and recommended its passage

Mr Boyd from the Committee on Military affairs reported the following amendment to a Bill to provide for settling the claims and accounts of volunteers called out by the Governor or committee of safety, to wit, "That the sum of 500,000 dollars or so much thereof as may be necessary be and is hereby appropriated out of any money in the Treasury not otherwise appropriated to carry out the intention of this act"

Mr Weatherford chairman of committee on Private Land Claims reports a Bill for the relief of the heirs of James H Alexander and recommends its passage

Mr Lord from a special committee reported a substitute for a Bill for the relief of Rail Road Companies of the State of Texas, and recommended its passage

A message was received from the House informing the Senate of the passage of the following bills.

Senates bill for the relief of R. A Henson

House bill to amend an act authorizing unpaid warrants on the Treasury to bear interest appd Febry 14. 1860

House adopts report of Committee of conference on Frontier bills.

On Mr. Shepards motion the bill for the relief of Rail Road companies was considered. Mr. Weatherford offered the following amendment to the substitute offered by Committee "That the provisions of this act shall not extend to the benefit of the Texas central Rail Road Company Unless said Company shall propose by causing advertisements thereof to be published in the Houston Telegraph and the Dallas Herald for four Consecutive weeks to the stockholders in said road whose stock has been sold by the sale of said road at which sale one Hundred and became the purchaser to restore said stockholders to all their rights privileges and immunities as tho no such sale had taken place, upon the said stockholders paying into the Treasury of said Company ten per cent. upon their said Stock on or before the expiration of the extention provided for in this act."

The substitute was adopted. Mr Weatherfords amendment was rejected by the following vote

Yeas- Messrs Beasley, Boyd, Burnett Dorsett Dickson, East Finley, Houston Obenchain Parsons Selman, Weatherford Wheeler 14.

Nays Messrs Baltie, Branch Cook Crawford of J. Crawford of J. Durant Erwin Hascosk by Hartley, Jordan Lea, Moore, Reed, Scarborough, Shelley Shepard 16.

Mr Hascosk moved to suspend the rule- Lost.

A Bill for the relief of W. K. Chalmers - Read 1st & 2nd time and refrd to committee on Military affairs.

The Senate adheres to their substitute to a House bill to protect the wool growing interests of the State of Texas, and appointed Messrs Boyd, Shepard and Harden a committee of Conference.

A Bill for Relief of Martha Brennan - Read 2nd time and ordered to be engrossed Rule suspended Read 3rd time and passed.

On Mr Gurrin's motion the Senate resolved itself into Committee of the whole on the Military Bill and after some time spent therein rose reported progress and asked leave to sit again at 7 oclk P. M.

Whereupon the Senate adjourned until 7 oclk P. M.

7 o'clock P. M.

Senate met. roll called - quorum present.

Mr Burnett chairman of committee on Enrolled bills reported correctly enrolled properly signed and presented to the Governor a Bill for the relief of R. Chilcoat.

The Senate again went into committee of the whole on the Military Bill, Mr. Gurrin in the chair, and after some time spent therein rose and reported the bill with amendments, which report was adopted. the amendments being the same which were reported by the military committee.

A message was received from the House informing the Senate of the passage of the following bills. Senate Bill for the benefit of irrigable property. House bills to regulate the collection of Taxes &c A Bill for relief of F. A. Ruiz and A. R. De Herrera and that Messrs Shelton Russel Simpson Gano & Stiff were a committee of Conference on a Bill to protect the wool growing interests of the state of Texas.

The Senate then adjourned until 9 oclk A. M. to morrow

Thursday December 19 1861

Senate met pursuant to adjournment - Prayer by the Chaplain - Roll called quorum present.

Mr. Harden moved to reconsider the vote which ordered the bill for the relief of Rail Road companies to its engrossment whereupon a call of the Senate was moved and sustained.

Mr. Shelley presented the petition of F V Brichta which was refer'd to committee on claims and accounts.

Mr Branch from committee on Military affairs on their behalf reported a substitute for a Bill to create a hospital fund for the sick and wounded soldiers in the Confederate Army from the State of Texas.

Mr. Harcourt Chairman of the Judiciary committee reported and recommended without amendment a Bill providing for the transfer of all suits and matters in the late District Courts of the U. S. in this State &c &c &c to the appropriate Courts of this State &c

A message was received from the House transmitting the resolutions passed by that body upon the announcement of the death of Hon John C. Watkins member from Harris County which were read, and on motion of Mr Erath the call was suspended and the Senate adjourned until 9 oclk A. M. to morrow.

Friday December 20 1861

Senate met pursuant to adjournment - Prayer by the Chaplain - Roll called quorum present - The journal of yesterday was read and adopted.

Mr. Parsons Chairman of the Committee on Internal Improvements reported a Bill supplementary to and amending an act to amend an act to incorporate the Memphis El Paso and pacific rail road Company appd 4 February 1856 and recommended its passage. Also a Bill supplemental to an act incorporating the Southern Pacific rail road Company appd 16 Febry 1852 and to the several amendments and supplements thereto and for the relief of said Company and recommended the adoption of the following amendments "Strike out the 1st section." "In the first line of what is now the 2nd section strike out the words "Thereof" and insert an enacting clause" In the 11th line of said section strike out the words "and Corporators" In 2nd line of 3rd section strike out the words "Comptroller and" In 1st line of 5th Sect strike out the words "Corporators and."

Mr. Shelley from committee on Military affairs made report on Bill to exempt the members of the Fire department of the City of Galveston from Military duty, and recommended the adoption of the following amendments. Strike out of 1st section "by the Mayor" and insert "in cases of invasion or insurrection".

Mr. Crawford of J. chairman of committee on Engrossed bills reported the following correctly engrossed. A Bill supplemental to an act to incorporate the West fork Bridge Company. A Bill to amend the 12th & 15th Sections of an act incorporating the East fork Bridge Company appd Febry 9. 1860

Messrs Harcourt and Mitchell presented the following minority report from the Committee on Court of claims.

"They dissent from the opinion of a majority of the Committee in recommending a reorganization of the Court. We are of opinion that there exists no sound reason for its continuance but there are many substantial reasons for its discontinuance. It is an unnecessary charge upon the state of $2000 pr. ann. If it should be thought proper to extend any further relief to the character of claimants contemplated in the act it can as well be done if not better by the Comrs of the General Land office and the Comptroller, two well established departments of the Government where such claims are properly cognizable and where the interests of the state can be more safely guarded. But we are of the opinion that time enough has been offered for the presentation and adjudication of such claims and that the door for future relief should be closed. The largest number of claims now offered are thought to be bogus, which twenty years ago had no standing in the Courts of the country or before the proper tribunals. Those stale demands must of necessity be looked upon with suspicion. If meritorious why have they not been presented and allowed at an earlier day when there were living witnesses who could speak for the state. Even if the claim be spurious it is difficult to show it as their cotemporaries have passed away and parties who are interested enough make out a prima facie case. One reason urged for continuing the Court of claims is the fact that it is self sustaining, that it pays largely over its expenses. This argument is delusive. For it pays the useless expense of the salaries of the Commissioner his clerk and contingent expenses all this would be saved to the state by transferring the business to the departments referred to. But when we consider that by the working of the Court many spurious and doubtful claims must be allowed it would be economy to close up the court even if you should continue to pay the

ers then salaries. It will doubtless be found that the largest amount of the revenue of the office was derived from Rail Road Companies and we presume no argument is necessary to show that this source of revenue must fail as no land certificates will issue to Rail Road Companies during the next two years. These are some of the reasons why we would respectfully recommend a discontinuance of the Court of Claims."

Mr Harcourt introduced a Bill to provide for printing the laws and journals of the 9th Legislature &c Read 1st time

The Militia bill having been taken up on Mr Timms motion, Mr Shelley offered the following amendment Insert in 9th section after the words "there shall be elected" the following. "under the order of the Brigadier General" and after the words "1st Feby 1865" insert "and if from any cause an election should not be held according to the provisions of this section an election shall be immediately ordered by the Regimental or Brigade commandant as the case may be giving ten days notice thereof" adopted.

Mr Lea offered the following amendments In 2nd section strike out all specification of officers and insert "all civil officers of the state & of the Confederate states" Laid on table.

Mr Shelley moved to exempt officers of the Penitentiary from militia duty carried The bill was then ordered to a 3rd reading. Rule suspended Read 3rd time and passed.

A message was received from the House informing the senate that the House had passed the following bills; Senates Bill for the relief of heirs of Sanford Norman. Bill for relief of Garrett F. Lankford. House bill for the relief of Archibald Hotchkiss. House concurs in senates substitute for a Bill relating to the determination of cases in the supreme court.

A Bill supplemental to and amendatory of an act prescribing the manner of authenticating instruments for record. Read 1&2. time & refrd to Judy committee

A Bill to incorporate the Dallas County agricultural and mechanical association. Read 1&2. time and refrd to comm. on Agriculture

A Bill to regulate the collection of Taxes - Read 1st & 2nd time and refrd to committee on Finance.

A Bill to amend the act authorizing unpaid warrants on the Treasury to bear interest Read 1 & 2 time and refrd to committee on Finance.

Mr Crawford of Chm. of Committee on Engrossed bills reports correctly engrossed A Bill for relief of certain Rail Road companies and Bill for relief of Mrs Martha Brennan.

The senate reconsidered the vote which ordered to its engrossment the bill for the relief of Rail Road Companies: also the vote tabling the amendment offered thereto by Mr Weatherford. The senate then adjourned until 3 o'clk P.M.

3 o'clk P.M.

Senate met. roll called - Quorum present.

A message from House announcing the passage of the following bills.

A Bill making an appropriation for the mileage and per diem pay of the members and officers of the 9th Legislature. Read 1 & 2nd time and refrd to Committee on Finance

A Bill Amendatory of and supplemental to an act to incorporate the city of Marshall passed Jany 3. 1863 Read 1st time Rule sus. Read 2. time Rule suspended Read 3rd time & passed

A Bill permanently establishing the boundaries of the Counties lying between the Nueces and Rio Grande Rivers and to provide for the organization of the Nueces County Read 1st & 2nd time and refrd to Judiciary committee

A Bill for relief of Leo M. Hancock asst. of Wood. Read 1&2. time & refrd to Private Land Claims.

A Bill to provide for the sale and settlement of the vacant alternate sections of land in Fisher & Miller's Colony. Read 1 & 2. time & refd to committee on Public Lands.
A Bill making valid the removal of the records and library appertaining to the Supreme Court from Galveston to Austin. Read 1 & 2. time & refd to Judiciary committee.
A Bill to authorize the County Court of Montague County to have the records of the district court of said County transcribed. Read 1 & 2. time & refd to committee on State affairs.
A Bill to amend the 1st section of an act authorizing the withdrawal from the General Land office of deeds issued on paper of the record. read - Read 1 & 2. time & refd to Judiciary Com.
A Bill to prohibit stallions and Jacks from running at large in Dallas Caman and Bowie Counties. Read 1 & 2. time & refd. to committee on State affairs

A Bill concerning the issuance of injunctions in certain cases - Read 2nd time.
Mr. Sheller offr the following amendment. " But the party obtaining such injunction shall be liable for such damages as the party restrained by such injunction may sustain by reason thereof " adopted.
The bill was then laid on the table by the following vote,
Yeas Messrs Boyd Branch Burnett-Casey, Cook. Crawford of J. Durant Hamilton Hansborough Jordan Rea, Mitchell Moore Obenchain Parsons. Selman Sheller Shepard Weatherford & Wheeler 20
Nays. Messrs Batte. Beasley, Crawford of F. Dunn Dickson, Erath, Graham Gurrin Harcourt & Scarborough. 10.
A Bill regulating estrays - Read 2nd time. Mr. Burnett offr the following amendment " Provided that all estrays which are required to be sold before the Court House door of those Counties shall be sold only on the first Tuesday in each month between the legal hours of sale "
The bill and amendment were then made the special order for 11 o'clock to morrow A.M.
A Bill for the relief of Archibald Hotchkiss Read 1 & 2 times and refd to committee on Private Land claims.
A Bill for relief of Y A. Ruiz and A. R. de Herrera - Read 1 & 2. time and refd to committee on Private Land claims.
Mr Harcourt introduced a Bill to authorize the Supreme Court to take up out of its order and decide the case of A C Horton et al vs the County of Wharton &c. Read 1 & 2. time and refd to Judiciary committee.
A Bill making an appropriation for the payment of Commissioners sent by the convention to the Choctaw Cherokee and other friendly Indian tribes Read Ordered to be engrossed - Rule sus. read 3. time & passed.
A message from the House announced an agreement to senates amendments to Bill for the organization of State Troops.
A Bill for the relief of the East Texas Rail Road Company Read 2nd time substitute of committee adopted.
Mr Burnett chm. Com. on Enrolled bills reported correctly enrolled properly signed and presented to the Governor a Bill for the benefit of irrigable property.
The Senate then adjourned until 9 o'clock AM tomorrow

Saturday Dec 21. 1861

Senate met pursuant to adjournment. Prayer by the Chaplain a full quorum present. The journal of yesterday was read and adopted.
Mr. Crawford of F presented the petition of Jarman Carter &c praying to committee on Private Land Claims.

Mr. Burnett introduced a Bill to extend the provisions of an act for the incorporation of towns and cities to the town of Sumpter in Trinity County. Read 1st time. Rule suspended - Read 2nd time and ordered to be engrossed - Rule further suspended - Read 3rd time and passed.
Mr. Abenchain introduced a Bill for the relief of the heirs of John M. Hansford. Read 1 & 2 time and refrd to Comt. on Private Land claims.
Mr. Harcourt introduced a Bill to suspend Art 400 of the Penal code until the 1st day of Janry 1864 or until the removal of the existing blockade whichever shall first occur. Read 1 & 2. time and refrd to Judiciary Comm.

A Bill for the relief of Josiah Bradshaw - Read 2nd time and ordered to be engrossed - Rule suspended Read 3rd time and passed

A Bill for the relief of the heirs of James McCown - Read 2nd time. substitute of the committee adopted, and bill ordered to be engrossed - Rule suspended, Read 3rd time and passed

Mr. Boyd from Committee on Military affairs reported the following bills and recommended their passage.

A Bill making an appropriation for the manufacture of Minnie balls.

A joint Resolution relative to the two guns known in the history of Texas as the "Twin sisters"

A joint Resolution relative to increasing the pay of privates in the Confederate Army.

A Bill to prevent the sale of intoxicating liquors in 4½ miles of the town of Fort Worth. Read 2nd time and ordered to be engrossed - Rule suspended Read 3rd time and passed

A message was received from the House announcing the passage of the following bill. A Bill to amend an act amendatory of the laws to raise revenue by taxation appd Febry 16 1858 and to amend an act to amend an act amendatory of the laws to raise revenue by taxation appd Feb 16 1858 appd Apl 8 1861.

A Bill for the relief of Rail Road Companies - Read 2nd time. The question being on Mr. Shelleys amendment to strike out 2nd section, Mr. Crawford of J. moved to lay on the table

Yeas. Messrs Batte, Boyd, (Branch, Casey, Crawford of J. Dickson, Lea, Moore, & Parsons 9.

Nays. Messrs Beasley, Branch Cook Crawford of T. Darden, Graham, Grimes, Harcourt & Dutley, Jordan, Mitchell, Obenchain, Reed, Scarborough, Selman, Shelley, Shepard and Weatherford 18.

Mr. Shelley then withdrew his amendment and offrd the following as a substitute for said 2nd Section. "That the Commissioner of the General Land office be and he is hereby authorized and required to issue to said rail road Company certificates in quantities not less than 640 acres for the amount of $1,500 of 5 pr. ct. R. R. indemnity bonds computed at 75 cts on the dollar taken by said company as provided in the 1st section of this act. said certificates may be located in the same manner as Headright certificates are located except that the locations shall be made in bodies of not less than 640 acres provided said certificates shall be issued at the rate of 50 cents per acre"

The Bill was then made the special order for Monday 11 o'clk A.M.

Mr. Lea Chairman of the Committee on Finance reported a Bill making an appropriation for the mileage and per diem of the members and the per diem of the officers of the 9th Legislature with the following amendments

In sec 3rd 9th line strike out "all" and insert "other"

In sec 3rd 10th line after "dues" insert "as may be provided by law for the general reception of Treasury warrants for taxes and other public dues"

In same line strike out "their" and insert "his"

The House bill relative to revenue was ref'd to committee on Finance.

Mr Burnett chmn of Comt on Enrolled bills reported the following bills correctly enrolled, properly signed and presented to the Governor.

A Bill for relief of the heirs of Sanford Coleman

A Bill for relief of Garrett A. Rankford

The Extra bill being special order was read 2nd time and Mr Burnetts amendment adopted.

Mr Weatherfords amendment to the bill for the relief of Rail road companies was lost by the following vote.

Yeas. Messrs Beasley, Boyd, Burnett, Casey, Crawford of D. Darden, Dickson, Erath, Graham, Obenchain, Parsons, Selman, Weatherford, & Wheeler, 14

Nays. Messrs Batte, Branch, Cook, Crawford of F. Durant, Gunn, Harcourt, Hartley, Houston, Jordan, Lea, Mitchell, Moore, Reed, Scarborough, Shelley and Shepard, 17.

The Senate then adjourned until 3 oclk P M.

3 oclk P M.

Senate met. roll called - quorum present.

Mr Crawford offrd the following amendment to the Extra Law which was adopted. "insert after "Farrant" the words. "Stinson Casper, Tyler, Polk Hardin Orange". The bill was then read 3rd time and passed

A Bill allowing J. P. & F. M. Durant to adopt a female Child - Read 2nd time substitute of Comt adopted and bill ordered to a third reading. Rules suspended - Read 3rd time and passed.

A Bill to create a Hospital Fund. Read 2nd time, substitute of committee adopted.

Mr Crawford of D. offrd the following amendment "provided that the Governor is hereby authorized to appoint and give preference to any suitable person who may offer his services with no further charge upon the fund hereby appropriated than his necessary expenses"

Mr. Darden moved to strike the words "and shall give preference to" from the amendment, whereupon Mr. Hartley moved to lay on the table which motion was lost by the following vote.

Yeas, Messrs Branch, Erath, Hartley, Houston & Shepard. 5.

Nays. Messrs Batte, Beasley, Boyd Burnett, Crawford of F. Crawford of D. Darden Dickson, Durant, Graham, Gunn Harcourt, Jordan, Lea Mitchell Moore, Obenchain, Parsons, Reed, Scarborough, Selman, Shelley Weatherford & Wheeler, 24.

Mr Dardens amdt. was then accepted by Mr. Crawford and the amdt. adopted.

Mr. Darden then offrd the following amendment "The Governor may donate such amount as may in his opinion be just and proper out of the appropriation provided for in this act to Hospitals that have heretofore received and treated Texas soldiers" Adopted.

Mr. Mitchell offrd. the following amdt. which was laid on the table. "The agent or agents appointed by virtue of this act is or are required to file with the Comptroller vouchers for all expenditures of money made under this act."

Mr. Jordan moved to amend by inserting the words "under oath" adopted.

Mr. Branch offrd the following as a substitute for 6th Section "That the agents appointed under the provisions of this act shall keep a regular account

of the monies received and expended by them for the sick and shall make monthly reports of the same under oath to the Governor of the State." adopted

Mr. Gurvin offered the following amendment "said reports when approved by the Governor shall be filed in the Comptrollers office and stand to the credit of each person entitled thereto" adopted. The bill was then ordered to be engrossed. Rule suspended—Read 3d time and passed Messrs. Selman & Wheeler voting nay.

The Senate then adjourned until 9½ oclk A M. Monday

Monday December 23rd 1861

Senate met pursuant to adjournment—Prayer by the Chaplain—roll called. quorum present. The journal of Saturday was read and adopted.

Mr. Harcourt chmn of Judiciary Committee reported a Bill making valid the removal of the records and library of the Supreme court from Galveston to Austin and recommended a substitute therefor. substitute adopted—read 3d time & passed

Mr. Burnett offered a resolution to adjourn with the concurrence of the House on Monday Dec 30th at 9 oclk P M.

Mr. Gurvin moved to strike out "December 30th" and insert "January 13th" adopted. The resolution was then adopted

A message was received from the House announcing the passage of Senates bill to amend the 187th 191st sections of an act to authorize the sale of the public domain appd. Febr 11. 1858.

Mr. Crawford Chmn of Comt. on Engrossed Bills reported the following correctly engrossed.

Bill for relief of heirs of James Mclowrasse of Geo. & Jones.

Bill to extend the provisions of an act for the incorporation of towns and cities to the town of Sumpter in Trinity County.

Bill to authorize and require Commr. of Gl. L. office to issue patent on unsold certificate No 16. issued to Josiah Bradshaw. & Bill to create a Hospital fund.

Mr. Harcourt was granted leave of absence for one week.

A Bill for the relief of rail roads. Read 2nd time. The motion to reconsider the vote laying the motion of Mr. Jordan on the table was carried. Mr. Jordan then withdrew his amendment.

Mr Harden offers the following amendment "and all state liabilities receivable for Taxes at the time such payment is tendered."

Mr. Shepard offered a substitute as follows. "Strike out last sentence of 1st section beginning at the word "and" adopted

The yeas and nays on the adoption of the amendment stood thus

Yeas Messrs Beasley Boyd Burnett, Casey, Cook Harden Dickson Galt Graham Houston, Abercrombie, Selman, Shelley Shepard Weatherford & Wheeler 16

Nays Messrs Batte Branch Crawford, of T. Durant. Gurvin Harcourt Hartley, Jordan, Lea Mitchell, Moore, Parsons. Reed, Scarborough. 14

A message from the House announced that that body had amended the Senates resolution to adjourn sine die, by striking out "13th" "9 P M" and inserting "6th" "9 A M"

The Senate then adjourned until 3 oclk P M.

3 oclk P M.

Senate met roll called - quorum present.

A Bill for the relief of Rail Roads. Read 2nd time

Mr. Gurvin offered the following amendment "Section 2 That any company which may choose to pay the interest and sinking fund which may be due

on the 1st day of Sept. 1862 and the 1st day of March 1863 may pass the same in the bonds or Treasury Notes of the Confederate States at the time when said interest and sinking fund may become due in accordance with the 1st section of this act"

The further Consideration of the bill was then postponed until 11 oclk A.M. to morrow.

A message was received from the House announcing the passage of the following bills

Bill to repeal certain estray laws in certain Counties with amendments

Bill to amend the charter of the Waco Classical school with amendments.

Bill granting to Solomon Wolfe the privilege of Constructing a bridge across the Angelina river with amendments. amendments concurred in.

Bill for relief of Heirs of James McLemore. Bill providing for the recovery of state arms. Bill to regulate Courts advertising.

Mr Craft offered the following resolution "Resolved that during the remainder of the session no member shall be permitted to address the senate for a longer time than ten minutes unless by permission." Mr Shepard moved to strike out "ten" and insert "five" adopted Mr Harcourt moved to strike "five" and insert "ten". Laid on table.

The resolution was then adopted by the following vote

Yeas. Mesrs Batte Beasley Boyd, Burnett, Casey, Cook, Crawford of H Crawford of J. Durant Craft, Graham, Moore, Reed, Scarborough Shepard Weatherford, & Wheeler. 17

Nays. Mesrs Branch Darden Dickson, Gunn Harcourt, Hartley, Houston Jordan Lea & Shelley 10.

Mr. Burnett offered the following "Resolved that the Senate will act upon no new business after the 20th of this month except by a 2/3 vote.

On motion of Mr Gunn the vote making rail road bill special order for to morrow was reconsidered. Mr Gunn then withdrew his amendment and the bill was ordered to be engrossed by the following vote

Yeas Mesrs Batte Beasley Branch, Cook Crawford of H. Darden Dickson Durant Craft Gunn Harcourt, Houston Jordan Lea, Moore Reed Shelley, & Shepard 18.

Nay. Mesrs Boyd Burnett Casey Crawford of J. Graham. Hartley Odenchain, Scarborough Weatherford & Wheeler. 10.

Rule suspended Read 3rd time & passed by the same vote.

A Bill for relief of the Eastern Texas Rail Road Company. Read 2 time - Mr. Shelley's substitute for 2nd section adopted.

Mr Lea moved to amend by striking out all between the words "being" and "at" carried.

Mr Parsons moved to amend by inserting "in addition to the 16 sections that they would be entitled to under the rail road law" adopted.

On motion of Mr. Shelley the 3 section was stricken out. The bill was then ordered to be engrossed. Rule suspended Read 3rd time and passed by the following vote,

Yeas Mesrs Batte, Beasley, Branch, Burnett Cook, Crawford of H. Crawford of J. Darden Dickson Durant Gunn Harcourt Houston, Jordan Lea, Mitchell Moore, Parsons, Reed Scarborough, Selman, Shelley, Shepard & Wheeler 24

Nays. Mesrs Boyd Craft, Graham, Houston Odenchain and Weatherford 6.

A Bill granting to W. Flanigan the privilege of constructing a toll Bridge across the Sabine River. Read 2nd time substitute of Comm.

adopted and ordered to be engrossed. Rule suspended, Read 3rd time and passed. Messrs Oldham Chair & Wheeler voting nay.

A Bill granting land to Texas soldiers was read 2nd time and made special order for 11 o'clk A.M. to morrow.

A message was received from the House requesting the return to that body of the resolution to adjourn sine die, which request was granted.

A Bill for the relief of Companies incorporated for purposes of internal improvement. Read 2nd time

Mr. Crawford moved to amend by excepting the Sabine & Rio Grande rail road - adopted.

Mr. Sheller offered the following amendment "Provided that this act shall not be so construed as to revive any Charter of a rail road company which has been forfeited prior to 21. may 1861." Adopted

Mr. Boyd offered the following amendment. "That the act approved January 30 1854 granting 16 sections of land to the several railroads of this state and all other acts or parts of acts granting lands or reserves of lands to rail roads are hereby repealed" Laid on the table by the following vote.

Yea. Messrs Batte Beasley Branch Cook Crawford of F. Crawford of D. Darden Durant Gunn Harcourt Jordan Lea, Moore Parsons Scarborough Selman Sheller & Shepard 19

Nay. Messrs Boyd, Burnett, Casey Dickson, Mitchell, Oldham, Weatherford & Wheeler 8.

Mr Weatherford offered the following amendment "That before the Texas Central Rail Road can avail themselves of the benefit of this act they shall pay over to such stock holders who lost their stock by reason of a sale of said road provided that said stockholders shall pay ten per cent on the [illegible] of Jany 1864 into the treasury of said company"

Mr. Cook moved to lay the amendment on the table. The Yeas and Nays stood thus

Yea. Messrs Batte Branch Cook Crawford of F. Durant, Erath Gunn Harcourt, Houston Jordan Lea, Mitchell Scarborough & Shepard 14

Nay. Messrs Beasley, Boyd, Burnett, Casey, Crawford of F. Darden Dickson, Moore Oldham, Parsons Selman, Sheller, Weatherford & Wheeler 14.

The President, votes Nay. Whereupon the Senate adjourned until 9 o'clk A.M. to morrow.

Tuesday December 24. 1863

Senate met pursuant to adjournment - Prayer by the Chaplain - roll called - Quorum present. Journals of yesterday was read and adopted.

Mr. Casey chmn. of Comm. on Military affairs reported a Bill for relief of Thomas Canes and recommended its reference to Comm. on Claims and accounts which was done.

Mr. Durant offered the following resolution "Resolved that the committee on Finance be and are hereby instructed to inquire into and report to this body upon the propriety and expediency of so sustaining the issues ofered heretofore made and which may hereafter be made under and by authority of the laws of the State, as to make it a penal offence for any citizen of the state within the jurisdiction of the same to buy or sell such issues of credit for any sum less than their face value, and further that the same committee be instructed to make the requisite treasury notes re

cevable for taxes and all public liabilities to the State." Adopted by the following vote

Yeas Mesrs Batte Casey Cook Crawford, of F. Durant Gunn Hancock, Hurst Jordan, Lea, Mitchell Moore, Paisan Scarborough, Shelley, Wheeler 16

Nays. Mesrs Beasley, Boyd, Branch Burnett, Crawford of G. Harlan, Dickson Craft Graham, Hartley, Selman. Shepard and Weatherford 13.

Mr. Mitchell introduced a Bill for relief of Robt R. Scott - Read 1st & 2. time. and refrd to Comt. on Private Land claims.

Mr. Hartley Chmn. of Comt on State affairs reported the following bills and recommended their passage

Bill to prohibit Stallions and jacks from running at large in Dallas Caman and Bowie Counties.

Bill to authorize the County Court of Montague County to have the records of the District Court transcribed

Mr. Crawford chm. Comt. on Engrossed Bills reported correctly engrossed a Bill for relief of the East Texa Rail Road Company.

A Bill to incorporate the Pulaski Bridge Company - Read 2nd time and ordered to a third reading - Rule suspended and Read 3rd time and passed on call of Yeas and Nays unanimously.

Mr Craft was added to Finance committee.

Mr. Dickson offers the following "Resolved that the President appoint a committee of three to be styled the committee on Retrenchment and that the House be requested to appoint a similar committee to act in conjunction with said committee" adopted

Mr. Shelley was added to committee on Finance.

A message was received from the House announcing the passage of the following bills,

Bill regulating the fees for swimming cattle at ferries.

Joint Resolution providing for auditing the claims of Captain Sansoms company of volunteers.

Bill to require the financial agent of the Penitentiary to settle his accounts quarterly.

Bill for relief of James B. Palmer.

Bill supplemental to and amendatory of an act to provide for the appointment of patrols and to prescribe their duties and powers

Bill (Senate) to amend 1 & 5 Sections of an act incorporating the east fork bridge Company.

A Bill for relief of Rail Roads - Read 2nd time - Mr. Weatherford withdrew his amendment.

Mr. Lea offrd the following amendments which were adopted. At end of 11th line 1st Section insert "work with its incidental privileges" at top of 2nd page strike out remainder of section and insert "or privileges than those of works to be performed with their incidental privileges which are to be secured from loss as aforesaid"

Mr Crawford offered the following amendment, "That the time of the continuance of the present war shall not be computed Against any internal improvement Company in allowing the period allowed them in their charter by any law general or special for completion of any work contracted by them to do" adopted

Mr Weatherford then offrd his amendment which was lost by the following vote;

Yeas. Mesrs Boyd, Burnett Casey, Crawford of F. Dickson Graham, Mitchell, Oldham Chain, Selman. Shelley, Weatherford & Wheeler 12.

Nays. Mesrs Batte, Beasley, Branch, Cook, Durant Erath, Guerin Harcourt, Hartley Jordan, Lea, Parsons, Reed Scarborough & Shepard. 13.

The bill was then ordered to be engrossed by the following vote.

Yeas, Mesrs Batte, Beasley, Branch, Burnett Cook, Crawford of F. Harden Durant Guerin, Jordan Lea, Mitchell Moore, Parsons. Reed, Scarborough, Shelley and Sheppard 18

Nays. Mesrs Boyd, Dickson, Erath, Graham, Hartley, Oldham, Weatherford and Wheeler, 8.

The rule was then suspended and bill passed by the same vote.

Mr. Crawford reported the following bill correctly engrossed. Bill making an appropriation to pay annuities sent by the Convention to certain Indian tribes.

Mr. Burnett Chmn of Comm. on Enrolled. Bills reported the following bills. Correctly enrolled, properly signed and reported to the Governor.

Bill for relief of heirs of James McCown asse. of Geo H. Jones.

Bill to amend the Charter of Waco Classical School.

A Bill to provide for auditing all claims against the state on account of volunteers called out by the Governor and Committee of Safety. Read 2nd time.

Mr. Dickson moved to strike out 500,000 & and insert 300000 &. adopted. The Amendments of committee were then adopted.

Mr. Guerin offered the following Amendment "provided no troops shall be paid under the provisions of this act until they were mustered into the service of the State"

The bill was then made special order for 11 o'clk A M Tuesday.

A Bill for the relief of Rail Road Companies. Read 2nd time.

Mr. Parsons offered the following Amendment "Provided that this act shall not be so construed as to conflict with or in any manner alter or change the provisions of an act for the relief of the Memphis El Paso and Pacific rail road company and all other Rail Road Companies passed Mar 20 1861." adopted.

Mr. Burnett moves to strike out "two years" and insert "One year" lost.

Mr. Durant offered the following amendment "Provided that no land Certificates shall issue under this section until the interest on the bonds due the school fund be paid or secured in the terms of the act for the relief of Rail Roads." Laid on the table.

The bill was then ordered to be engrossed.

Mr. Crawford of F. from Comm. on Agriculture reported a Bill to incorporate the Dallas County agricultural and mechanical association and recommended its passage.

Mr Boyd from a committee of Conference reported a substitute for a Bill to protect the wool growing interests of the State of Texas.

Mr. Shepard presented the memorial of the heirs of Wm H & Henry Rinrod which was refer to Committee on Private Land Claims.

On motion the Senate adjourned until 10 o'clk A M on Thursday 26th inst.

Thursday December 26 1861

Senate met pursuant to adjournment. Prayer by the Chaplain roll called - Quorum present. The Journal of Tuesday was read and adopted.

The following message was received from the Governor.

Executive Department
Austin Dec. 26. 1861

Gentlemen of the Senate:

It becomes my painful task to convey to you the sad intelligence of the death of the gallant Col B. F. Terry commanding the Texas rangers in the state of Kentucky. He was killed on the 17. day of the present month while bravely leading his men against three times the number of Hessians.

Col Terry was a noble man; the estimation in which he was held by the people of the South is truly indicated by the fact that on the receipt of the sad news of his death the Legislature of the State of Tennessee immediately adjourned and proceeded in a body to escort the remains to the State House and there cause it to be laid in State. He was a man whom all patriots could love.

In the death of Col Terry the State of Texas and the Confederate States have lost one of their most gallant men. one of the many who leaving behind a large family and every thing that made home near and dear and engaged in this war purely from motives of patriotism. I am proud to say that I have known Col Terry from his early boyhood and I know of no man who possessed in a greater degree that patriotic and chivalrous feeling so much developed in the present contest. He died as I know he wished to die. battling against Abolition tyranny

I feel that the blood of this noble patriot will cause to spring up thousands of armed men who will rally to the defence of our liberty.

I can truly say that no braver man ever lived - no truer patriot never died.

Respectfully

J. R. Kibbock

Whereupon Messrs Jordan Gurvin, Keller, Scarborough & Booth were appointed a committee to present suitable resolutions and 1000 copies thereof with the message were ordered to be printed. The senate then took recess of ten minutes.

The recess having expired, Mr. Jordan presented the following resolutions

"Resolved that we have heard this morning with the deepest regret & sorrow the sad intelligence of the death of our brave and distinguished fellow citizen Col B. F. Terry who fell sword in hand fighting the enemy near Bowling Green Ky on the 17th inst.

Resolved that in the death of Col B. F. Terry the State of Texas mourns the loss of one of her noblest patriots and bravest and best of citizens and that we deeply and sincerely deplore the melancholy event which has thus deprived the State of a good citizen and the Confederacy of a brave and noble defender

Resolved That these resolutions be adopted and spread upon the journals and that the Secretary be requested to furnish a copy of them to the family of the deceased and also to the brother of Col Terry and as a token of respect the members of the Senate will wear the usual badge of mourning for thirty days and also that the Senate Chamber be draped in mourning and as a further mark of respect the Senate do now adjourn until 10 o'clock A.M. to-morrow

Friday December 27. 1861

Senate met pursuant to adjournment - Prayer by the chaplain - Roll called - quorum present. The journal of yesterday was read and adopted

Mr. Shelley presented the petition of Joseph P. Sneed assignee of Thomas Grumbles. accompanied by bill - which was read 1st & 2nd time and refrd to Comt on Private Land Clms.

Mr. Gwin chmn of Comt on claims and accounts reported upon a bill for relief of Thos Cain and asking that the Senate take no action whatever thereon. also a Bill for relief of Saml M. Worlands heirs asking that it do not pass.

Mr. Rea chmn of comt on Finance reported a Bill for relief of Nelson Tarver and recommended its passage.

Mr. Branch introduced a Bill for relief of heirs of John White - read 1 & 2. time and refrd to Comt on clms and accts.

Mr. Rea introduced Bill to incorporate the Aransas Salt works company. Read 1 & 2. time and refrd to comt on State affairs. A resolution concerning the registry of names of legal voters: and a resolution concerning extradition of fugitives from service or labor. both of which were refrd to Comt on State affairs.

The report of Comt of Conference on a bill to protect the wool growing interests of the State of Texas, was adopted.

A Bill to incorporate the Southern pacific rail road company - read 2nd time and made special orda for 11 oclk A. M to morrow

A Bill granting 160 acres of land to soldiers read 2nd time substitute of comt adopted.

Mr. Dickson offrd the following amendmenh. insert in 4th section "nor shall the same be subject to forced sale" . adopted.

Mr. Sheller offrd the following amendmenh. after the word "land" in 6 line 1. section add "to said soldiers" adopted..

Mr. Branch offrd the following strike out "160" wherever it occurs and insert "320" strike out "320" and insert "640"

Mr. Gwin offerd a substitute for the bill which was laid on table by the following vote:

Yeas Messrs Batte. Beasley, Boyd, Burnett, Casey, Cook, Crawford of F. Crawford of J. Darden, Dickson, Durant, Graham Jordan Moore, Oldenham Parsons Reed, Selman, Shelley Weatherford & Wheeler. 21.

Nays: Messrs Branch Crabb Gwin Hartley, Houston Rea, Mitchell Scarborough & Shepard 9.

Mr. Weatherford moved to lay Mr. Branch amendmt on table, which motion was carried by the following vote

Yeas Messrs Batte Beasley Boyd Burnett, Casey, Cook, Crawford of F. Crawford of J Darden Dickson. Graham Jordan Rea, Mitchell Moore Oldenham Parsons Selman Shelley, Weatherford & Wheeler 21.

Nays Messrs. Branch Durant Crabb Gwin Hartley, Houston Reed Scarborough, & Shepard 9.

Mr. Shepard offrs the following amendt "That the soldiers who may obtain certificates under this act may locate the same on any of the public domain as well as upon the lands reserved in this bill."

Mr. Cook moved to lay the amendment on the table. The yeas and nays were as follows.

Yeas. Messrs Batte Beasley Boyd, Casey Cook Crawford of F. Crabb Jordan Rea Shelley & Weatherford 11

Nays: Messrs Branch, Burnett, Crawford of J. Darden, Dickson Graham

Gurrin, Hartley, Houston, Mitchell, Moore, Abercrombie, Parsons, Reed, Scarborough, Selman, Shepard & Wheeler 19.

The bill was then made the special order for 10 o'clk A.M. to morrow.

The committee on Engrossed bills reported the following bills correctly engrossed

A Bill for relief of companies incorporated for purposes of internal improvement.

A Bill to authorize James H. Flannagan and his associates to construct a bridge across Sabine river

Messrs Dickson, Gurrin & Heller, were appointed a committee on Retrenchment.

Mr. Burnet chr. of comt. on Enrolled Bills reported the following as being correctly enrolled properly signed & presented to the Governor

A Bill to amend the 145th Section of an act incorporating the Eastport Bridge Company.

A Bill granting Solomon Wolfe the privilege of building a toll bridge across the Angelina river

The Senate then adjourned until 10 o'clk A.M. to morrow

Tuesday, December 28 1861

Senate met pursuant to adjournment. Prayer by the Chaplain. Roll called. Quorum present. The journal of yesterday was read and adopted.

A Bill for relief of the heirs of Abram Yoe was taken up on motion of Mr. Dickson read 2nd time and ordered to 3rd reading. Rule suspended. Read 3rd time and passed

Mr. Dickson at his request was excused from service on the Committee on Retrenchment whereupon Mr. Burnett was appointed thereon in his stead.

Mr. Gurrin chmn. of comt. on claims and accts reported a Bill for the relief of the heirs of John H. White and recommended its passage

Mr. Finley presented the memorial of C. C. Aiken & B. Blood Potter which was referred to Committee on Finance.

Mr. Sheller introduced a Bill to amend art. 721 of the penal Code Read 1. time Rule suspended. Read 2nd time. Rule suspended Read 3rd time & passed

A message was rec'd from the House announcing the passage of the following Senate Bills

Bill supplemental to an act to incorporate the west fork bridge Company passed Feby 11. 1860

Bill authorizing the Governor to appoint an agent for the Alabama and Coushatta Indians.

Bill authorizing the payment of audited scrip against the County of Cameron in satisfaction of the County license tax for retailing spirituous liquor. and House agrees to Senate substitute making valid the removal of the records and library of the Supreme Court from Galveston to Houston.

Mr. Sheller introduced a Bill to amend the 22 section of an act for the erection and support of a Lunatic Asylum. Read 1 & 2. time and refrd to Comm. on State affairs.

A Bill to provide for the perpetuation of testimony in certain Cases during a certain time. Read 1 & 2 time and refrd to Judiciary committee.

Mr. Finley introduced a Bill for the relief of John Thomas assignee of A. Murphy - Read 1 & 2. time and refrd to Comm. on Private Land Claims.

Mr. Dickson introduced bill for the relief of Wm. Reed - Read 1 & 2 time and refrd to Committee on Private Land Claims.

A Bill prescribing the mode of establishing the liability of drawer and indorsers of bills of exchange and promissory notes - Read 1 & 2 time and refrd to Judiciary committee.

A Bill to regulate county advertising in newspapers in certain cases. Read 1 & 2 time and refrd to Enrd committee

A Bill providing for the recovery of State arms - Read 1 & 2 time and refrd to comm. on Military affairs.

A Bill to require the financial agent of the State penitentiary to settle his accounts quarterly with the Comptroller. Read 1 & 2 time and refrd to Enrd committee.

Joint Resolution providing for auditing the claims of Capt Jameson Company of volunteers. Read 1 & 2 time and refrd to comm on Milty affairs.

A Bill regulating the fees for swimming cattle at ferries - Read 1 & 2 time and refrd to comm. on State affairs.

A Bill providing for summary proceedings against justices of the peace in certain cases. Read 1 & 2 time and refrd to Enrd committee.

A Bill for relief of Levi English Read 1 & 2 time and refrd to comm. on Private Land claims.

A Bill for relief of James D Plummer Read 1 & 2 time and refrd to Comm. on private land claims.

A Bill for relief of Truman B. Beck William B. Custard Abner Matthews and Abner Alcock. Read 1 & 2 time and refrd to Comm on Judiciary

A Bill granting land to soldiers being special order was read 2nd time Mr. Durant moved the previous question upon which Mr Gunn moved a call which was sustained.

A Bill to regulate the pay of Sheriffs in certain cases. Read 2nd time and ordered to 3rd reading

Mr. Cook moved to amend by adding the county of El Paso. adopted - Rule suspended. Bill read 3rd time and passed.

A Bill to provide for auditing and settling all claims against the State on account of volunteers called out by the Governor and committee of safety. Read 2nd time. Mr. Craft offered the following substitute for the amendment offrd by Mr. Gunn. "Provided that this act shall not be so construed as to provide payment of expenses at the Camps of instruction or of any troops not actually called off from the place they were organized"

The Bill and amendments were then refrd to committee on Finance.

Mr. Rea Chmn. of Comt on Finance reported the propositions on the subject of retrenchment and asked that they be refrd to the comm. raised on that subject. Report adopted.

A Bill for relief of purchasers of University Lands. Read 2nd time and ordered to be engrossed.

Mr. Durant offered the following amendment Strike out the words "after the war" and insert "until the 1st day of Jany 1867 or until six months after the close of the present war or until otherwise provided by law" carried.

The rule was further suspended. Bill read 3rd time and passed Messrs Burnett, Crawford & Reuben Gunn Selman voting nay.

A Bill authorizing the County Courts to levy a special war tax. Read 2d time. Report of Comm. laid on the table.

Mr. Shepard moved to amend by inserting "the same kind of funds" Mr. Parsons moved to amend by inserting "or in specie" adopted.

Mr. Finley offered the following amendment "Confederate notes & Texas war warrants and notes shall be receivable for any and all taxes levied and collected under the provisions of this act"

Mr Gwinn offered the following to Mr Finleys amendment "Provided that the county courts shall have power if they think it necessary to direct the payment of one fourth of the assessment in specie."

Mr Beasley offrd the following as a substitute "That the tax so assessed be paid in County Scrip or county warrants state treasury scrip or confederate treasury notes or such other current funds as he may be instructed to collect by the County court." The substitute was laid on the table

Mr Casey offrd the following amendment "Any person who may have contributed or advanced any money clothing blankets camp equipage or transportation to any Company of soldiers raised in this State for the service of the State or confederate States shall be allowed a credit for same on the war tax herein before authorized. The amount of such claim to be established by satisfactory proof before the county Court of the county of the claimants residence certified by the Chief Justice of such county under the seal of his office."

The amendment was laid on the table by the following vote,

Yeas. Messrs Branch Cook Crawford of T. Darden Durant Erath Finley Gwinn Houston Jordan Lea Mitchell. Moore Parsons Reed, Scarborough Sheller & Shepard 18

Nays. Messrs Batte Beasley Boyd Burnett Casey Crawford of J. Dickson Graham Selman Heathcock & Wheeler 11.

Mr Wheeler offrd the following amendment "provided further that the tax provided for by this act shall not be levied upon the property of soldiers during the time they are engaged in the service" - lost by the following vote.

Yeas. Messrs Burnett Casey Crawford of T. Dickson Graham Heathcock & Wheeler 7

Nays. Messrs Batte Beasley Boyd Branch Cook Crawford of J. Darden Durant Erath Finley Gwinn Houston Lea Mitchell Moore Oldham Parsons Reed Scarborough Selman Sheller & Shepard 21.

Mr Selman offrd the following Amendment "The question of taxation for war purposes as provided in this act shall be submitted by the County Court of the County where such tax is proposed to be raised at such time and in such manner as may be by said Court prescribed to the qualified voters of such county and of a majority of votes in said County shall be cast in favor of levying such tax then the Court shall levy and collect the same as herein provided" laid on table. The Bill was then passed to a third reading by the following vote

Yeas. Messrs Batte Beasley Boyd Burnett Casey Cook Crawford of J. Durant Erath Finley Gwinn, Houston Lea, Moore, Oldham Parsons, Reed & Shepard 18

Nays. Messrs Branch Crawford of J. Darden Dickson Graham Mitchell, Scarborough, Selman Sheller Heathcock & Wheeler 11

Rule suspended Bill read 3rd time and passed.

A Bill for relief of Lipscomb Norvell read 1st & 2d time and refrd to com on Private Land Claims.

Mr. Crawford of J. chm of Comt. on Engrossed bills reported the following correctly engrossed.

A Bill for relief of Rail Road companies.

A Bill to amend act 721 of the Criminal Code

A Bill for relief of purchasers of University lands.

A Bill granting land to soldiers - Read 2nd time - Call of Senate suspended whereupon Mr. Durant withdrew call for the previous question.

Mr. Gurrin then offered a substitute for the bill which being read was laid on the table by the following vote

Yeas. Messrs Batte Beasley, Boyd, Burnett Casey, Cook, Crawford of Fr. Crawford of J. Darden Dickson Durant Graham Jordan Lea, Mitchell Moore Oden Chair Parsons Reed Selman Shelley Weatherford & Wheeler 23.

Nays. Messrs Branch, Finley Gurrin, Houston, Scarborough & Shepard - 6.

Mr. Lea offers a substitute which was laid on the table.

Mr. Parsons withdrew his substitute for Mr. Shepards amendment. Whereupon Mr. Parsons moved to lay the amendment on the table which motion was lost by the following vote.

Yeas Beasley, Casey, Cook Lea, Moore Parsons & Shelly 7.

Nays Messrs Batte, Boyd Branch, Burnett Crawford, of Fr. Crawford of J. Darden Dickson Durant, Erath Finley Graham Gurrin, Houston, Jordan, Mitchell Obenchain, Reed, Scarborough, Selman, Shepard, Weatherford & Wheeler 23

The amendment was then Adopted.

Mr. Shepard moved to strike out "160" wherever it occurs in the bill and insert "320" and strike out "320" and insert "640" Laid on table by the following vote

Yeas. Messrs Batte Beasley, Boyd Burnett, Casey, Cook Crawford of Fr. Crawford of J. Darden Dickson Graham, Jordan Lea Mitchell Moore. Obenchain Parsons, Selman. Shelley Weatherford & Wheeler, 21

Nays. Messrs Branch Durant Erath, Finley Gurrin Houston Reed, Scarborough & Shepard 9.

The bill was then ordered to be engrossed Messrs Gurrin Houston Lea, Scarborough & Shepard voting nay.

A Bill for the Mileage and per diem pay of 9th Legislature. Read 2. time - Report of committee laid on table.

Mr. Gurrin moved to strike out 2nd section - laid on table by the following vote.

Yeas Messrs Beasley, Burnett Casey Cook Dickson Durant, Graham Jordan Lea Mitchell Moore, Parsons Reed Scarborough, Selman & Weatherford 16.

Nays. Messrs Boyd Branch Crawford of J. Darden Erath Finley, Gurrin Houston Obenchain, Shelley Shepard, & Wheeler, 12.

The Rule was then suspended - Bill read 3rd time & passed Messrs Boyd Crawford Darden, Erath Houston Obenchain, Shelley, Shepard and Wheeler voting Nay.

The Senate thereupon adjourned until 10 oclk Monday Morning

Monday December 30. 1861

Senate met pursuant to adjournment - Prayer by the Chaplain - Roll called - quorum present. The Journal of Saturday was read and adopted.

A message from the House announced the passage of the following bills: Senates bill to amend the 110 Section of an act to regulate proceedings in the County Courts pertaining to estates of deceased persons with amdt - Amdt concurred in. Senates bill to authorize the Governor to appoint Commissioners of deeds &c in the Choctaw Chickasaw and Cherokee nations of Indians.

Senate bill for relief of Mrs Martha Brennan

Senate bill for relief of Eastern Texas Rail Road company.

Mr Harcourt presented the petition of sundry citizens of Colorado County asking repeal of Stray law - Refd to Judy Committee

Mr. Nettleford chmn. of Comt. on private and claims reported the following bills and recommended their passage.

Bill for relief of Joseph P. Sneed assignee of Thomas Gubbs. with an amdt. Strike out "1 league" and insert "⅓ league"

Bill for relief of John Thomas assignee of A. Murphy

Bill for relief of F A Ruiz and A. R. de Herrera.

Mr Rea chmn of Committee on Finance made reports a bill to provide for the funding of the debt contracted for the protection of the frontier as follows "This bill is respectfully submitted as part of a series of financial measures embracing the House bills and other propositions under consideration. As other parts shall be matured they will be reported so that the Senate may be considering some of the measures without delay for others. They will be prepared and presented with all possible dispatch, probably as fast as may be desirable for action of the Senate in connection with its other business and at an early day before the completion of details in full the Committee expect to report a general outline of its views of measures as most eligible under existing circumstances."

Mr. Casey chmn of Comt on Military affrs. reported a Bill providing for the recovery of the arms belonging to the State and recommended its passage.

Mr. Burnett chmn of Comt on Enrolled bills reported the following correctly enrolled properly signed and presented to the Governor

Bill to authorize the payment of audited Scrip against the County of Cameron &c &c

Bill authorizing the Governor to appoint an agent to the Alabama and Coshatte Indians

Bill supplementary to an act to incorporate the Brazos Bridge Company.

Mr. Harcourt chmn of Judiciary Comt. reported a substitute for a Bill to provide for printing the laws and journals and recommended its adoption and passage. On motion the report was taken up and substitute adopted and ordered to be engrossed - Rule suspended - Read 3. time and passed

A Bill changing the boundaries of Kaufman County. Read 2nd time and ordered to 3rd reading - Rule suspended Read 3rd time and passed.

Mr. Durant offrd joint resolution in relation to the culture of cotton in this state. Read 1st time.

A Bill to create a Hospital fund - Read 2nd time. On amendments

of House. Yeas. 3 4. 7 8 & 9 concurred in. Yeas. 1 2 5 6 & 10 refused.

Bill to amend the 4. and repeal the 6. section of an act to regulate the public printing appd. Nov. 22. 1849 Read 2nd time and ordered to be engrossed. Rule suspended read 3rd time and passed.

A Bill suspending all laws of limitations &c Read 2nd time - substitute of comtee adopted and further consideration postponed until Wednesday next at 11 o'clk A.M.

A message from the House announced that they had concurred in Senate resolution to adjourn sine die on the 13th of January 1862.

A Bill to attach the counties of Clay and Wichita to the county of Montague Read 3rd time and passed.

A Bill providing for the transfer of all suits and matters in the late U.S. District Courts to the appropriate Courts of the Confederate States. Read 2nd time and ordered to a 3rd reading. Rule suspended. read 3rd time and passed.

A Bill supplemental to an act incorporating the Southern Pacific rail road company and to the several Amendments thereto - Read 2nd time - Report of Committee recommending amendments adopted

Mr. Selman offd the following amendment "That said railroad shall be so constructed as to cross the Sabine river at or within two miles from Haynes ferry it shall run thence to the town of Tyler in Smith County or within one mile of the Court House therein, thence across the Trinity river, whenever the said Company may think proper so as to cross as near as practicable where the line of 32° N latitude crosses the river" upon which the yeas and nays stood thus. Yeas Messrs Boyd Graham Gurrin, Mitchell Oldenham Parsons Selman Weatherford & Wheeler 9.

Nays Messrs Beasley, Branch Caser, Cook, Crawford & Crawford of Harden Durant, Harcourt Houston. Lea, Moore. Reed, Scarborough & Shepard 13.

Mr. Selman offd the following amendment, "That all bona fide stockholders shall not be effected by the last sale of the Charters rights privileges and property belonging to the same, provided that each stock holder who wishes to avail himself of the protection given by this act on or before the 1st day of April next shall pay into the treasury of the company an amount prorata to be estimated according to the stock held so as to reimburse the purchasers at said sale for the amount at which they bid off the charters rights &c of said Company" laid on table

Mr. Shelley moved to amend by striking out all of the bill after the words "Pacific R R Company" in Sec 5. adopted. The bill was then ordered to be engrossed.

A message was received from House announcing the passage of the following bills.

Bill to amend the first section of an act authorizing the cancellation of patents Read 1 & 2 time & Refrd to Judiciary Committee

Bill to provide for the payment of Capt Milton Webbs company of volunteers - Read 1 & 2. time & Refrd to Comt. on Military affrs.

Bill to repeal an act authorizing all forced sales of real estate and negroes &c in the County of Nueces to be made in front of the Nueces House in Corpus Christi - Read 1 & 2. time. & Refrd to Judiciary Committee

A Bill to procure the investigation of the right of the State of Texas to the salt lake known as El Salado del Rey. Read 2. time substitute of Committee adopted. Bill ordered to 3rd reading Rule suspended - Read third time.

and passed.

A Bill to incorporate the Memphis El Paso and pacific rail road company. Read 2. time.

Mr Craft offrd the following amendment. strike out all in 1st section after the words "provided further" and insert "That hereafter said rail road company shall be entitled to lands only under the provisions of the General Rail Road laws and all that portion of a reservation heretofore held by said Company which has not been surveyed and sectionized at the time of the passage of this act shall be forfeited and relinquished by said company and be hereafter subject to sale, entry and location as of the public domain at the expiration of 6 months after the close of the war"

Mr Crawford of Ft moved to lay amendment on table. lost by the following vote

Yeas. Messrs Batte Crawford Forbes Harden Durant Gunn, Harcourt Lea, Moore Scarborough, Selman 10.

Nays. Messrs Beasley, Boyd Branch Burnett Clark Cook Finley Graham, Hartley Houston Oberchain, Paschal Shelley Shepard Weatherford & Wheeler 16

The bill was then recommitted to Comm. on Internal Improvements.

A Bill granting land to soldiers was reported correctly engrossed. Read third time and passed.

Mr Hartley introduced a Bill to provide for applying the taxes of Galveston County to payment of certain monies advanced for public purposes. Read 1 & 2 time and refrd to committee on Judiciary.

Mr Shelley from Comm. on Judiciary reported two bills as a substitute for Bill to permanently establish the boundaries of the Counties lying between the Nueces and Rio Grande Rivers. viz:

A Bill to define the boundaries and provide for the organization of the Mullen County. Read 1st time

A Bill to define the boundaries of Live Oak county Read 1st time

A Bill for relief of J Thomas assee of A Murphy. Read 2nd time – Rule suspended Read 3rd time and passed.

The Senate then adjourned until 10 oclk to morrow A. M.

Tuesday Dec. 31. 1861

Senate met pursuant to adjournment. Prayer by the Chaplain. roll called quorum present. Journal of yesterday was read and adopted.

A message was received from the House informing the Senate of the passage of the following bills.

Bill to amend and act to ascertain and adjudicate certain legal claims for land against the State situated between the Nueces and Rio Grande Rivers approved Feb 16. 1860. Read 1 & 2 time and refrd to Comt on Judiciary

A Bill to amend the 1 & 10 sections of an act to authorize the sale of the public domain. Read 1 time Rule suspended Read 2 time and passed to 3d reading. Rule further suspended – Read 3rd time and passed

A Bill to punish speculation in certain cases. Read 1 & 2. time and refrd to Judiciary Comm.

A Bill authorizing and empowering the County Courts of Nueces and Navarro Counties to convert to the use and benefit of said counties certain unmarked and unbranded cattle. Read 1 & 2. time and referred to

committee on State affairs.

A Bill to confirm bounty land warrant No 1557 issued to Andrew Benner for 320 acres. Read 1 & 2. time and refrd to committee on Private Land claims.

A Bill to prescribe the time manner and place of choosing Senators to the congress of the Confederate States. Read 1 & 2. time and refrd to Com. on Judiciary.

Joint Resolution to provide for the purchase of powder. Read 1 & 2. time & refrd to Com. on Military affairs

Joint Resolution providing for the sale of Oldham & Whites digest Read 1 & 2 time and refrd to Com. on Judiciary

A Bill to consolidate & amend the several acts incorporating the city of Houston Read 1 & 2. time and refrd to com. on State affairs.

A Bill for relief of Thomas H. Smith. Read 1 & 2. time and refrd to comt. on private land claims

A Bill donating 50. acres of land to the Carrasco school. Read 1 & 2 time and refrd to Comm. on Education

A Bill for relief of Heirs of Lewis Pomelo Read 1 & 2 time and refrd. to comm. on Private Land claims

A Bill authorizing the issuance of duplicate land warrants No 3487 & 17320 Read 1 & 2. time and refrd to com. on claims and accounts

Messrs McDowell Pickett Davis Bagley & Maverick had been appointed a comt. of Conference on a Bill making Confederate bonds & Treasury notes a legal tender. The House had refused to pass the bill for relief of Hon N. M. Burford.

Mr Harcourt chmn of Judicy Comm. reported the following bills and recommended their passage.

Bill to authorize the withdrawal from the Gen. L. office of deeds issued on paper of the 2nd Issue.

Bill providing for summary proceeding against Justices of the peace in certain Cases

Bill legalizing the acts of Alex Birdsong notary public for Panola County

Bill to authorize the Supreme court to take up out of its order and decide the case of A. Le Norton et al vs The County of Wharton et al

Bill supplemental and amendatory of act prescribing the manner of authenticating instruments of record -

Bill prohibiting owners or employees of slaves from placing them in charge of farms or stock ranches &c

and the following bills recommending that they do not pass.

Bill for relief of D B Beck Wm Gustave Abner Matthews and A. Babcock

Bill for applying the taxes of Galveston County to the payment of certain moneys advanced for public purposes recommending its reference to Finance comt. report adopted

Bill to amend an act prescribing the mode of establishing the liabilities of indorsers and drawers of bills of exchange &c &c recommending that it do not pass. also Bill for relief of Victoria and Bill to regulate County advertising in Newspapers in certain cases.

Mr. Guinn offered the following resolution; "Resolved that the Secretary of the Senate in giving certificates of mileage be governed as far as practicable by the Table of distances to be found on page 538 of the journals of 8th Legislature and that the action of the Secretary under this resolution be spread on the journal" Mr. Guinn altered his resolution to read as follows - "that the Secretary be required to give to each Senator a certificate for

mileage for the number of miles he may claim. & place the same on the journals.

The comm. on private land claims reported and recommended the passage of bill for the relief of Libscomb Norvale

The comm on Engrossed bills reported the following correctly engrossed

Bill supplementary to an act incorporating the Southern pacific rail road company

Bill for relief of John Thomas ass. of D. Murphey.

Mr. Finley offrd the following resolution "Resolved that the comm. on finance be instructed to inquire into the expediency or necessity of making an appropriation for the necessary expences incurred in removing the records of the supreme court from Galveston to Houston &c" adopted.

Mr Shelby offerd the following resolution "Resolved that the comm. on printing contingent expenses be instructed to make provision for the payment of the postage and other accounts against the State" adopted.

Mr. Selman introduced Bill to define and establish permanently the northern boundary of Wood County. Read 1 & 2. time and refrd to comm. on County boundaries.

The comm. on Enrolld. bills reported correctly enrolled properly sign'd & presented to the Governor a Bill for relief of Eastern Texas Rail Road Company.

Mr. Gurrin offrd comm. resolution suspending the 25th section of a certain act therein named. Read 1 & 2. time & ordered to be engrossed.

Messrs Harcourt, Gurrin, & Shepard were appd a committee of conference on Bill making Confederate Bonds & Treasury Note a legal tender.

Bill repealing an act accepting the propositions of the U. S. relative to the boundary of Texas made special order for 7 o'clk P.M.

Bill for relief of Lipscomb Norvale - read 2 time & ordered to be engrossed. Rule suspended Read 3rd time and passed.

Mr Weatherford introduced bill for relief of W. M. Burford. Read 1 & 2. time and refrd to comm. on Finance

Mr. Lea Chmn. of comm. on Finance reported back to the Senate bills to amend act authorizing unpaid warrants on the Treasury to bear interest as obnoxious to constitution &c objections for multiplicity of objects and other reasons and presented two Bills as a better mode of accomplishing the objects sought viz.

A Bill to prescribe what kinds of funds may be received for public dues.

A Bill to amend an act authorizing unpaid Treasury warrants to bear interest & to regulate the same The bills were taken up & considered.

A Bill to prescribe what kinds of funds may be received for public dues Read 2 time. Mr. Gurrin proposed the following amendment. insert in 5th line 2. Section "including fees for patents and land dues payable in General Land office" adopted.

Senate adjourned until 7 o'clk P.M.

7 o'clk P.M.

Senate met - roll called - quorum present.

Mr. Weatherford offrd the following resolution "Whereas it has become apparent that the Governor has been properly determined that this Legislature shall not receive any compensation for their services and Whereas the 9th Legislature heartily approves of this economical policy

and desire to extend it to all the functionaries of the Government. Therefore Resolved the House concurring that this Legislature adjourn sine die on the 2nd day of January next at 9 o'clk A. M."

Mr Craft offd the following as a substitute: "Resolved that it is the sense of this Senate that the members thereof receive no pay or mileage for the present session and the next two years" Resolution & Substitute were laid on table by the following vote.

Yeas. Messrs Boyd. Branch, Crawford of F. Harden, Durant, Craft. Graham Gwinn Harcourt, Houston Lea Moore, Abercrombie Reed, Scarborough, Selman Shelle, Shepard 18

Nays. Messrs Beasley, Burnett, Case, Crawford of J. Finley, Mitchell, Parson, Read Rutherford Wheeler. 9

The comm. on Enrolled bills, reported the following bills correctly enrolled properly signed and presented to the Governor

A Bill to authorize the Governor to appoint Comrs of deeds in the Choctaw Chickasaw Cherokee & Creek nations of Indians

Bill for relief of Mrs Martha Brennan.

The committee on Military affairs reported the following bills and recommended their passage.

Joint Resolution providing for auditing the Claims of Capt Sansom's Company of volunteers.

A Bill for the payment of Capt Milton Webbs company of Mounted volunteers.

The Boundary repeal bill being special order Mr Durant moved to postpone further Consideration until 4th March 1862 which motion was laid on the table.

Mr Hartley offered Substitute for bill & substitute of Mr. Gwinn. Mr. Finley moved to lay the bill & substitutes on the table a division of the question being called Mr. Hartleys substitute was tabled. The Senate refused to table the substitute of Mr. Gwinn whereupon further Consideration of the subject was postponed until 11th Inst. next.

Senate adjourned until 9 o'clk A M to morrow.

Wednesday January 1 1862

Senate met pursuant to adjournment - Prayer by the chaplain - roll called quorum present The journal of yesterday was read and adopted

Mr Matherson Chmn. of Comt. on Private Land claims. reported the following bills and recommended their passage.

A Bill for relief of Geo. H. Lapsley assignee of Wood

Bill for relief of Thomas G. Smith, and Bill for relief of Wm. B. Lee recommending that it do not pass

Mr. Hartley chmn of comt. on State affrs reported Bill to authorize the County court of Collin County to levy special tax for the erection of a Court House therein and recommended its passage. Report taken up. Bill read 3rd time and passed to 3rd reading. Rule suspended Read 3rd time & passed.

Mr Gwinn chmn of Comt. on claims and accounts reported Bill authorizing the issuance of duplicate Warrants No 3487 & 17320 and recommended that it do not pass.

Mr Reed chmn of Comt on County Boundaries reported a Bill to define and permanently establish the northern boundary line of Wood County, and recommended its passage.

The comm. on Penitentiary reported a Bill to require the financial agent to make quarterly settlement of his accounts &c. and recommended its passage.

The comm. on Military affairs reported a bill for the relief of M. F. Chalmers and recommended its passage.

Mr. Casey by leave withdrew the report made on bill for payment of Captain Milton Webb company.

Mr Darden from Military comm. reported a joint Resolution to authorize and require the Adjutant General to collect the necessary information to make a register of the State troops &c. and recommended its passage - Bill taken up - Read 2. time & ordered to be engrossed - Rule suspended. Read 3rd time & passed.

A Bill for relief of Francisco Ruiz and A.R. de Herrera - Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed

Mr Darden offered the following resolution "Resolved That the committee on State affairs be instructed to inquire into the expediency of suspending the operations of the Asylum for the blind for the next two years and report by bill or otherwise." adopted.

Mr. Hartley offered the following resolution "Resolved that the comm. on Military affairs be required to inquire into the action had under a joint Resolution approved 1861 providing for turning over the property now in possession of the State lately taken from the U.S. Government to the Government of the Confederate States and should any legislation on the subject be required to report thereon by bill or otherwise" adopted.

A Bill for relief of John White - Read 2. time and ordered to 3rd reading - Rule suspended Read 3rd time & passed.

A Bill to permanently establish the boundaries of the counties lying between the Nueces and Rio Grande Rivers and to provide for the organization of the Nueces County - The several substitutes reported by committee adopted, severally read 2 time and ordered to third reading - Rule suspended read 3. time & passed.

A message was received from the House announcing the passage of the following bills - Bill (Senate) for relief of W.A. Grady - Bill (Senate) for relief of Wm D. Hughes assignee of Jonathan Bird with amendment which was concurred in House bill for relief of Geo. W. Morris

Bill to amend 2. Section of act to prescribe the mode of adoption passed January 16. 1850

Bill suspending the collection of money on forfeited recognizances and bail bonds. Read 1 & 2. time and refd to Judicial committee.

Senate bill for relief of purchasers of University Lands with amendment

A Bill for relief of Artemicia Wilson Read 2. time & ordered to be engrossed, Read 3 time on suspension of rule and passed.

A Bill requiring financial agent of the Penitentiary to settle his accounts quarterly - Read 2. time and ordered to 3rd reading. Rule suspended Read 3rd time & passed.

A Bill supplementary to an act incorporating the Southern Pacific railroad company - Read 2nd time

Mr. Crawford of J. offered the following Amendment "Provided that if said company shall avail itself of the privilege granted in this section, then the amount of land obtained by said company by virtue of completing the branch road from Swensons Landing to Jamesville shall be deducted from the quantity of land to which said company will become entitled for completing an equal amount of its road upon the main trunk and this deduction shall be made upon the first section of road completed by said company

equal in length to the branch road from Lanesville to Swansons landing" adopted.

Mr Crawford offered the following amendment "Provided that if said Company shall avail itself of the privilege granted in Sect 1. then the A. & I. Int. Improvt. Funds shall not be issued to said Company for grading and laying superstructure upon the branch road from Swansons Landing to Lanesville."

Mr. Beasley moved to substitute by striking out all of 1st Section after the enacting clause. accepted. The bill was then read 3rd time and passed by the following vote

Yeas. Messrs Batte, Beasley, Branch, Casey, Crawford of J. Crawford of St. Darden, Durant, Finley, Gwinn, Harcourt, Hartley, Lea, Mitchell, Moore, Parsons Scarborough Shelley & Shepard - 19

Nays. Messrs Boyd Graham Odenchain. Selman Weatherford & Wheeler. 6.

A Bill for relief of Simpson & Hendricks - read 2 time - Mr. Sheller moved to amend by inserting before "which" in 7 line "and to S. M. Swenson a certificate for 960 acres of land" 2. after "Hendricks" insert "and S. M. Swenson" in caption insert "and S. M. Swenson" carried.

The bill was then ordered to be engrossed by the following vote:

Yeas. Messrs Boyd Branch Casey Crawford of St. Finley, Harcourt, Hartley, Lea, Mitchell, Moore. Reed, Scarborough, Shelley Shepard & Weatherford. 15.

Nays. Messrs Batte, Beasly, Burnett, Crawford of J. Durant. Graham Gwinn, Odenchain, Parsons. Selman & Wheeler. 11. Rule suspended Read 3rd time and passed by the following vote.

Yeas. Messrs Boyd, Branch, Casey, Crawford of St. Finley, Harcourt, Hartley Lea. Mitchell, Moore Reed, Scarborough, Shelley & Shepard 14.

Nays Messrs Batte Beasly Burnett Crawford of J. Durant, Graham Gwinn Odenchain Parsons. Selman, Weatherford & Wheeler 12.

Mr. Gwinn made a question of order that the bill requires a 2/3 vote under art 7 Sec 8 of the Constitution. The president ruled the negative wherenpon Mr Gwinn appealed. The Senate voted on the question "shall the decision of the President be sustained?" as follows.

Yeas. Messrs Beasley, Branch Casey, Cook Darden, Hartley, Lea, Reed, Scarborough, Sheller, Shepard and Weatherford 13

Nays Messrs Batte Boyd Burnett Crawford, of St Crawford of J. Durant, Finley Graham Gwinn Parsons Selman & Wheeler 12.

A Bill to amend an act relative to Treasury warrants substituted by a Bill to prescribe what kind of funds may be received for public dues. Read 2 time. The amendments of Mr. Crawford were adopted when Mr Crawford offered the following additional amendment In 12 line of section 3 between "and" and for" insert "shall be receivable" adopted

Mr. Finley offered the following "Provided that Treasury warrants bearing interest shall be received with the interest calculated up to the last day on which Taxes are paid" Mr. Boyd moved to lay on table the amendment.

Yeas. Messrs Boyd, Burnett Casey, Crawford, of J. Durant, Gwinn, Harcourt Lea, Moore, Scarborough, Selman, Sheller, Weatherford, & Wheeler 14

Nays. Messrs Batte. Beasley, Branch. Crawford, of St. Darden, Finley Graham Hartley, Mitchell, Odenchain, Parsons & Reed. 12.

Mr. Parsons moved to strike out all pertaining to Treasury warrants taken in payment of State dues. Laid on table

A Bill to regulate the issuing of Treasury warrants Read 2 time Rule suspended and 3rd time and passed

A Bill for relief of Judge R. M. Burford. Read 2nd time. Mr. Weatherford offd

the following amendment _ "Notwithstanding the notice of his failing to hold his courts." adopted.

Mr. Finley offrd the following amendment "Provided that said Burford shall not receive more than the rate of 1750$ per year nor for a longer time than until his succesor shall qualify."

Mr. Gwinn offered a substitute for the bill whereupon the previous question was ordered. The bill was passed to 3rd reading - Rule suspended - Read 3rd time & passed.

The Senate then adjourned until 10 oclk A. M. to morrow.

Thursday January 2. 1862.

Senate met pursuant to adjournment - Prayer by the Chaplain - Roll called quorum present - Journals of yesterday was read and adopted.

The committee on Private Land Claims reported the following bills and recommended their passage

Bill for relief of Andrew Bennett

Bill for relief of Reus. of Louis Powell.

Bill for relief of Mrs Ann C. Baxter.

Bill for relief of Levi English

Mr. Harcourt Chmn. of Judicial Committee reported the following bills and recommended their passage.

Bill to regulate the entry of headrights by the County Courts

Bill to amend an act to ascertain and adjudicate certain legal claims for land against the State between the Nueces and Rio Grande rivers appd. Febry 11. 1860

Bill to repeal an act to authorize and require all forced sales of real estate &c &c in the Co. of Nueces to be made at the front door of the La Ratema house &c

Joint Resolution providing for the sale of Oldham & Whites digest.

And the following bills. Bill to punish speculations in certain cases. as unnecessary legislation. Bill to prescribe the time manner and place of choosing Senators to the Congress of the Confederate States recommending that it do not pass because the Senate had rejected a bill containing the same substance. Bill to amend the 1 section of act to authorize the Cancellation of patents in certain cases. recommending that it do not pass also the following bill with amendment. Bill to provide for the perpetuation of testimony during the time limited in an act suspending all laws for the Collection of debts &c &c Amendment. Strike out "The newspaper published in the nearest county where such suit might be entitled" and insert "such newspaper of general circulation as may be designated by the clerk of said court". The committee also made the following reports upon the memorial of Geo W. Paschal relative to the compilation of a new digest of the laws of Texas &c "They are much pleased with the plan and arrangement proposed by the memorialist and have great confidence in his entire fitness for the work. They however have not felt at liberty to recommend that a contract shall be entered into by the State with the memorialist upon the terms proposed but have thought it more proper to leave the matter open for laudable competition. They therefor report the following bill and recommend its passage. A Bill to provide for a digest of the laws of Texas - Read 1st time.

Mr. Branch chmn. of comm. on Education reported a Bill donating fifty acs. of land to the Carasco Creek school and recommended that it do not pass.

Mr. Erath from Finance committee reported and recommended with amendments the passage of a Bill to provide for auditing and settling all claims against the State on account of volunteer companies called out by the Gov.

and provide for the payment thereof.

Mr. Swisher chmn of comm. on Claims and accounts reported upon the petition of J. V. Brackett, a bill for his relief which was read 1st time.

Mr Shelley as one of the comm. on Judiciary made the following minority report

" A minority of the committee on the Judiciary to whom was refer. a bill for the relief of Eli Kirk respectfully dissent from the report of the majority adverse to the passage of said bill.

The minority would respectfully submit that whatever may be the character of the claim of Mr. Eli Kirk against the State, whether just or unjust, it has been presented to and entertained by every legislature since its inception and has been recommended in whole or in part by every committee to which it has been referred.

The claim of Mr. Kirk if we are rightfully informed accrued in the year 1853. It appeared that Mr. Kirk was appointed by Gov. P. H. Bell in Aug. 1853. to go to the northern cities to procure furniture for the use of the Capitol. He was to receive a salary of 1000$ and he claims that 500$ of his salary is still due and that there is also due him for services performed in hauling storing boxing cleaning and placing the furniture in the Capitol and for digging flues and foundations for furnaces the further sum of 738. 95/100$ To say nothing about the claim of Mr. Kirk for the amount expended beyond the sum received by him from the State it is enough to say that unless Mr. Kirk has forfeited his right to his salary and to compensation for his services rendered to the State by reason of some misconduct in the performance of his duties which for future has been determined by the terms of the law under which he acted or unless he has been paid said salary and for said services (of which there is no pretence) it is but justice that he should have an opportunity to establish the justice of his claim in the courts of the Country under the same rules governing the establishment of claims between citizen and citizen. The State of Texas can refuse to audit and allow the claims of one of its citizens against it. The Legislature may refuse to permit him to seek and obtain redress in the Courts by a suit against the State, but the Legislature cannot prohibit him from petitioning for re lief and of having his prayer passed upon in some manner. This claim has already cost the State probably quadruple what would have been sufficient to have paid it long since and as a matter of economy merely the minority are of opinion that this claim should be transferred from the Legislative to the judicial department where the rights of which may be finally adjudicated and determined. For this purpose the mi nority recommend the rejection of the majority report and the passage of the bill.

Respectfully Submitted M. J. Shelley."

The committee on Enrolled bills reported the following properly enroll ed and signed and presented to the Governor.

Bill for relief of W. A. Grady. Bill to amend 11th section of act to regulate proceedings in County Courts pertaining to estates of dec'd persons passed Mar 20. 1848.

A Message was rec'd from the House informing the Senate of the pas sage of the following bills --

Bill to amend Sec 5 of the act relative to the organization of the Na tional Asylum

Bill to protect public buildings

A Bill for auditing and settling all claims against the State on account of volunteers called out by the Governor and Com. of Safety was on motion of Mr. Craft read 2nd time

The amendments of committee were adopted and are as follow
In caption after "safety" insert "and for defence of the State"
In 18th line after "Commissary supplies" insert "Munitions of war for the construction of fortifications and all defences and monies or supplies advanced for and used by any of said troops"
Add to end of 2. section "Provided that this act shall not be so construed as to allow the payment of expenses at the camps of instruction or any troops not called into actual service." "The comptroller shall keep a seperate register of all claims presented under this act and properly chargeable to the government of the Confederate states and arrange the vouchers and accounts as directed by law for said government for presentation thereto"
"Sec 3 That the sum of 200.000$ or so much thereof as may be necessary be and is hereby appropriated out of any money in the Treasury not otherwise appropriated to carry out the provisions of this act"
Mr Erath offered the following amendment "Provided such articles are consistent with the usage and regulations of the army with reference to the nature of the service." adopted
Mr Lea offered the following amendment "strike out "for subsistence and forage" adopted.
Mr Gunn offered the following amendment "Provided further that all the Regiments called out by the late Governor shall receive pay from the day the regiments were mustered into the State service - provided that the pay of Col McYoungs regiment shall commence from the day they received marching orders from the Governor"
Yeas Messrs Branch, Burnett, Casey Crawford of Ft Harden, Durant, Hanley Gunn Hartley, Lea Moore Scarborough, Selman, & Wheeler 13.
Nays Messrs Boyd Cook Erath, Graham, Harcourt, Mitchell, Oldham, Reed Shelley & Weatherford 10.
Mr Durant offered the following amendment "Provided that in all cases it shall appear that the troops were called out by the proper authority and that due returns have been filed in the proper department of the state -" Mr Shelley moved to strike out all after "authority" carried. The Yeas and Nays were then called on the adoption of the amendment as follows
Yeas Messrs Branch Burnett Crawford of Ft Harden, Durant, Hartley Parsons Scarborough Selman 9
Nays. Messrs Beasley Boyd Cook Erath Graham Gunn Harcourt Lea, Mitchell Moore, Shelley, Weatherford & Wheeler 13.
Mr. Hartley offered the following amendment after the word "monies" insert "advanced for the same and for monies" adopted.
Mr. Hartley moved to reconsider the vote adopting amendment offered by Mr Gunn - Lost - The bill was then ordered to a third reading. Rules suspended Read 3rd time and passed.
A Bill to prescribe what kind of funds may be received in payment of Taxes Read 3rd time and passed.
Mr. Lea chmn of comt on Finance made the following report. The Com on Finance begs leave to report "a bill concerning the disposal of certain funds therein described". This bill is part of the series of financial bills which have been reported in part and this is submitted as naturally consequent on the other bills which have been reported of various kinds which must be received by officers of the State and of counties cities and towns under the other provisions

legislation for receiving for public dues Treasury warrants and Confederate notes and Coupons and which require a modification of the law so as to authorize the officers to dispose of paper funds in prescribed ways while retaining the disposal of Specie funds and providing for a different disposal thereof."

A Bill to provide for a digest of the laws of Texas - Read 2nd time - On motion of Mr. Branch the blank was filled with "1 day of July 1863 -" The bill was then made special order for 11 oclk Saturday -

The Senate then adjourned until 3 oclk P. M.

3 oclk P. M.

Senate met pursuant to adjournment - roll called. Quorum present. The House amendments to the following Senate bills were concurred in. viz: A Bill for the relief of purchasers of University lands. A Bill for relief of Mrs V. Hughes assignee of Jonathan Bird.

The Senates bills for the establishment of a more perfect system of pathology was adopted as a substitute for the House bill on the same subject. It was then Amended as follows. viz. by striking out "3 weeks" and inserting "four weeks" by striking out "20" and inserting "not less than 10 nor more than 50 dollars" by striking out "10" and inserting "not less than 5 nor more than 20 dollars." by striking out "25" and inserting "not less than 10 nor more than 50" and inserting "not less than 5 nor more than 20". The bill was then ordered to a 3rd reading - It was further amended by inserting "The second week in April next and during the second week of January of each year thereafter" - Read 3rd time and passed.

A Bill providing for summary proceedings against Justices of the peace in certain cases - Read 2nd time and passed to 3rd reading - Rule suspended Read 3rd time and passed.

Mr. Selman made the following report.

The Joint committee appointed to examine the books and accounts of the Comptroller and Treasurer have discharged the duty assigned them and submit the following report as the result of their labors.

The committee obtained from the Comptroller a statement showing the amount for which the Treasurer was accountable on the 9th day of December 1861 as follows.

Revenue of State.

In Specie	$15.911.50	
Ten pr ct interest warrants	1.154 01	$17.065-51

University Land Sales

In Specie	$ 1.520 40	
Ten pr ct interest Warrants	5.754.63	$7.275.03

School fund

In bonds of Rail Road Companies	$1.635.000.00
United States bonds	782.000.00
Coupons due on do.	17.675.00
Ten pr. ct. Interest warrants	10.525 96
Specie due counties on distributions	44.101.76
Specie for distribution in 1862	3.805.84
Specie for investment for school	1.628.88
Specie Contg fund of 1856	977 00 $2.496.214.44

Sinking fund on Rail Road bonds

In Specie	$4.520.00	
" Bonds of Rail Road Companies	31.000.00	$35.520.00

Special Deposits

In specie, County tax due Counties	$ 14475.65	
" " settlement of successions	159.54	
" " Assessors fees	1093.24	
" " Property escheated to the State	2183.01	$ 17911.44
		$ 2.573.986.42
Add Amt. of specie rec'd from 1. to 9. dec 1861		1.317.13
		$ 2.575.303.55

Recapitulation

In bonds of Rail Road Companies		$ 1666.500.00
" United States bonds.		782.000.00
" Coupons due on do.		17.675.00
" Ten pr. Ct. Interest warrants		17.434.60
" Specie		91.693.95
Total Chargeable to Treasurer Dec 9. 1861		$ 2.575.303.55

In the above statement the Treasurer is charged with the amount of funds on hand on November 30. 1861 when the books of both offices were closed. and the amount received by him from that date to the 9. of December 1861 but not credited with the disbursements made from the 1st to the 9. December 1861 The committee have credited the Treasurer with these disbursements.

To meet the amount for which the Treasurer is chargeable then find in the vaults of the Treasury the following

In Bonds of Rail Road Companies	$ 1.516.500.00	
" recpt of Loan commissioner Nichols for Rail Road bonds withdrawn under act of April 8. 1861	$ 150.000.00	$ 1.666.500.00
In United States bonds		782.000.00
" Coupons due on do		17.675.00
" Ten pr. Ct. interest warrants		17.434.60
" Specie		73.870.41
Treasury warrants paid from 1. to 9 dec 1861 viz.		
In Specie of State Revenue	$ 2775.43	
" " School Fund	4423.08	
" " County tax due Counties	830.03	8.028.54
" Recpt for payments to members and officers of the present Legislature		9.795.00
	Total	$ 2.575.303.55

The committee found on inspection that the books and accounts of the Comptroller and Treasurer have been neatly kept and so far as they were enabled to judge, in the most approved style and acting on each other as a safe and desirable check."

A Bill for relief of Jos. P. Reed assignee of Thomas Grubb. Read 2d time Amdt. of Com. adopted and bill ordered to be engrossed. Rule suspended Read 3d time and passed.

A Bill for relief of Rail Road Companies Read 3d time and passed by the following vote.

Yeas Messrs Beasley Branch, Cook, Crawford of St. Crawford of J. Durant Frank Finley, Gwinn Harcourt, Houston, Jordan, Lea, Mitchell, Moore, Parsons Reed, Scarborough, Selman & Shelley 20.

Nays. Messrs Boyd. Burnett, Graham, Hartley, Needham, Nelson Newton Wilson 7.

Mr. Scarborough offered the following resolution "Resolved that during the remainder of the present session the Senate will hold evening sessions and that at such sessions the secretary shall proceed to call the roll of Senators commencing in the middle of the list and call one name each way alternately, when each Senator shall have the right to call up one bill for the consideration of the Senate which shall be disposed of."

Mr. Hartley offered a substitute "That the bills on the speakers table be taken up and acted on in their order"

The previous question being called and ordered Mr. Scarborough's resolution was adopted.

The following bills were reported correctly engrossed.

Bill for relief of Sampson & Henricks & S. R. Stevenson. - Bill for relief of Mrs Cemecia Wilson.

A Bill to define and permanently establish the Northern boundary of Wood County. Read 2. time. Ordered to be engrossed. Rule suspended Read 3 time and passed.

The comm. on Enrolled bills reported correctly enrolled properly signed and presented to the Governor. A Bill authorizing and requiring the Com. of Gen. Land Office to issue patent in favor of Cert. No 16. to David Bradshaw &c

Mr. Pratt introduced a Bill appropriating certain funds in the Treasury for certain purposes. Read 1 & 2. time. and ref. to Com. on Finance.

Mr Wheeler introduced a Bill to amend an act to incorporate the Eastern Texas rail road Company Read 1 & 2. time and ref. to Com. on Internal Improvements

The Senate then adjourned until 10 o'clk A. M. to morrow.

Friday January 3. 1862

Senate met pursuant to adjournment - Prayer by the Chaplain - Roll called - quo rum present The journal of the preceding day read and adopted.

Mr. Hartley chairman of committee on State affairs reported the following bills and recommended their passage.

A Bill regulating fees for swimming cattle at ferries.

A Bill to incorporate the Aransas Salt Works company

A Bill to amend the 22. section of an act for the erection and support of a Lunatic Asylum approved Aug 28. 1856.

Mr. Burnett Chairman of committee on retrenchment and reform made the following report. "We recommend that the salary of the Spanish Clerk or translator of the General Land office be reduced from 1200 to 1000$ p. annum Three asst. draftsmen from 1100$ to 1000$ each. Six asst. draftsmen from $1000 to 900$ each - That appropriation be made for only twelve asst. clerks at the same salary per annum as heretofore. They believe that 11 asst clks may well be dispensed with. That the salary of the Chf Clk of State Department be reduced from 1200$ to 1200$. Chf Clk of Tax bureau and of the account clerks of the Comptrollers office be reduced from 1200$ to 1100$ each. That the appropriation for porter hire for Land office and Comptrollers Department be reduced to 200$ pr. annum. Governors private secretary be increased to 1200$ pr. annum. That the comptroller be authorized to rent any public buildings or rooms belonging to the State not occupied for State uses and recommend the passage of the accompanying bill on that subject. They report a substitute for a bill fixing salaries in the Land office and recommend required retrenchments in all further appropriation of contingent funds. They ask for further time for the consideration of the State institutions"

The following minority report was made by Mr. Burnett from the same committee

"It became now our duty as Legislators to use all efforts to bring about an economical administration if possible. our people expect it, the exigencies of the times demand it and never in my judgment was retrenchment and reform more needed and we should reduce the expences of our State government to the very smallest possible extent to keep it up. The clerkships in the various departments of government can be reduced as well as the salaries of those who are retained. I am fully of the opinion that the administration of the General Land office can be successfully conducted upon the basis as it was in the administration of Hon Geo R Smyth.

The country is aware that the business of the office was conducted under the administration of that competent officer without porterage and boot blacks- every officer was fully competent to discharge all the duties that were assigned him and for a less salary- I would therefore recommend that the salary of the chief clerk of said office be reduced from 1400$ to 1200$ that the salary of the Translator Receiver and Chief draftsman be reduced from 1200$ to 1050$ each- that the salary of three assistant draftsmen be reduced from 1100$ to 950$ each. that the salary of 6 asst. draftsmen be reduced from 1000$ to 900$ each and that appropriation be made for only ten asst. clerks at the salary of 800$ each. I am fully of the opinion that thirteen of the assistant clerks now in that office may be dispensed with

I further recommend that the Commissioner of said office be required to keep open and be accessible to all persons wishing to examine the records of the same at least seven hours in each day, sundays excepted, and that there be no appropriation for contingent expenses or porterage. That the salary of the Chief clerk of the State Department be reduced from 1400 to 1200$ per annum. I further recommend that the salary of the Chief clerk in the Comptrollers Department be reduced from 1400 to 1200$ per annum and that the salary of the tax clerk and the accountant clerk be reduced from 1200$ to 1000$ and that there be appropriation made for 6 assistant clerks at the salary of 800$ each and believe that three can be dispensed with and that there be no appropriation for contingent expenses and porterage.

I also disagree with a majority of the Committee relative to raising the salary of the Governors private Secretary being fully convinced that there are no times to raise the salary of officers. I fully concur with the committee to the recommending of the renting of the public buildings and rooms that belong to the State unoccupied, all of which is respectfully submitted."

The reports were on motion of Mr Gavin recommitted to the committee on Retrenchment and reform.

A Bill suspending all laws of limitation &c Read 2 time-

Mr. Graham offered the following amendment "Provided that this act shall not apply to settlers upon lands granted under the national colonization laws of the state of Coahuila & Texas." Adopted.

Upon Mr Harcourts motion the vote was reconsidered and bill made special order for 10 o'clk A. M. tomorrow

A Joint Resolution to suspend the 25th section of an act therein named Read 3rd time- Mr. Harcourt moved to indefinitely postpone whereupon a call of the senate was made and sustained -

The comm. on Engrossed bills reported correctly engrossed the following bills

Bill for relief of James P. Sneed assee of Thos. Grubbs.

Bill to define and establish permanent the the Northern boundary of Wood County.
Mr. Shelley from Comt. on State affairs reported a Bill to consolidate in one act and to amend the several acts incorporating the City of Houston with the following amendments. Insert between the words "real" and "State" the word "personal". Strike out the words "City Taxes". where they occur and insert the words "taxes thereon". Strike out "next" and insert "first" and insert after "officers" the words "after the passage of this act" - Adopted - Bill read 3rd time and passed.

A message from the House was received announcing the passage over the Governors veto of a Bill making an appropriation for the Mileage & per diem pay of members and per diem pay of officers of the 6th Legislature.

The Senate being full the motion to indefinitely postpone a Joint Resolution to suspend the 25th Section of an act therein named was put and carried by the following vote

Yeas Messrs Beasley, Boyd, Branch, Burnett Casey Crawford, of J. Durst, Finley Harcourt Jordan Mitchell, Moore, Parsons, Scarborough, Selman & Weatherford 16.

Nays. Messrs Cook. Crawford of T. Darden Erath, Gunter Houston Lea Obenchain, Reed Shelley, Shepard & Weatherford 12.

Mr Shelley introduced a Joint Resolution concerning Col Jno S. Ford and his late Command on the Rio Grande. Read 1st time Rule suspended Read 2. time and ordered to be engrossed - Rule further suspended Read 3rd time and passed.

A Bill to reincorporate the town of San Felipe de. Read 2. time and passed to 3. reading - Rule suspended Read 3 time and passed.

A Bill to make valid all acts and Contracts of the Corporate or unpropriated Corporate authorities of San Felipe &c. Read 2 time & ordered to 3rd reading - Rule suspended Read 3. time and passed.

A Bill for relief of Nelson Tarver. Read. 2. time and ordered to 3. reading. Rule suspended Read 3rd time and passed.

A Bill authorizing the issuing of duplicate land warrants No 3487 & 3732 Read 2. time and passed to 3. reading - Rule suspended Read 3 time & passed.

A Bill for relief of Elias Cassels - Read 2. time & ordered to be engrossed Rule suspended Read 3 time & passed.

Mr. Harcourt offered the following resolution. "Resolved that during the remainder of the session the Senate will not consider any private or local bill at the forenoon session unless the same comes up in regular order"

Senate then adjourned until 3 oclk P. M.

3 oclk P. M.

Senate met - roll called - quorum present.

A Bill to authorize the Supreme Court to take up out of its order and decide the case of A. C. Horton et als vs the County of Wharton et all - Read 2. time and ordered to be engrossed. Rule suspended Read 3. time and passed.

A Bill concerning the disposal of certain funds therein described. Read 2. time and ordered to be engrossed. Rule suspended Read 3rd time and passed.

A Bill to incorporate the Dallas County agricultural and mechanical association Read 2nd time and passed to 3rd reading. Rule suspended Read third time and passed on call of Yeas and Nays unanimously

The Senate was informed that the House refused to adopt the Senate substitute for a Bill authorizing unpaid warrants on the Treasury to bear interest - and whereupon the Senate insisted and appointed Messrs Harcourt Parsons and Shelley a committee of conference on the disagreement between the two Houses of the Legislature on said bills -

A Bill supplemental to an act to amend the act supplemental to an act to regulate estrays approved April 6. 1861. Read 2 time

Mr. Weatherford offered the following Amendment "Provided that this act shall not apply to the counties of Henderson, Kaufman, Dallas, Fannin, Cherokee, Van Zandt Wood, Upshur Smith, Labrie Shelby, Panola Anderson Trinity, Newton Jasper Polk Tyler Hardin Orange"

Mr. Houston moved to table the amendment whereupon Mr. Parsons moved to amend the motion by tabling the bill and then Mr. Harcourt called a division of the question when the yeas and nays were taken on tabling the amendment and resulted as follows

Yeas Messrs Beasley, Boyd, Branch, Cook, Darden, Erath, Finley, Harcourt Houston Lea Obenchain, Parsons, Reed, Scarborough, Shelley & Shepard. 16.

Nays Messrs Burnett, Casey, Crawford of H. Crawford of J. Durant Graham Gwinn Hartley, Moore, Selman, Weatherford & Wheeler 12.

Mr. Parsons by leave withdrew his motion when the bill was made the special order for 12 oclk to morrow—

The Senate was informed by Message that the House has agreed to all the Senate amendments to Bill to provide for auditing and settling all claims against the State on account of volunteers called out by the Governor or committee of safety, except the 8th one.

Joint Resolution relative to the pay of Capt Parsons Company Read 2. time Mr. Gwinn offered the following Amendment - "Provided the Company was acting under proper authority" Lost. Whereupon the resolution was made special order for 10 oclk A. M. to morrow.

The Senate then adjourned until 10 oclk A.M. to morrow.

Saturday January 4. 1862

Senate met pursuant to adjournment - Prayer by the Chaplain - roll called - Quorum present. Journal of Yesterday read and adopted.

Mr. Shelley presented the memorial of A. A. Corp asking permission to cut a Canal through the reservation near the City of Austin - Refer to Committee on State affairs.

A Bill to provide for auditing and settling all claims against the State on account of volunteers called out by the Governor and Committee of safety - Read 2 time. The vote being taken on Mr. Erath's motion to recede from the 8th amendment resulted as follows.

Yeas Messrs Beasley, Boyd Branch Cook, Crawford of H. Erath Graham Harcourt Houston Jordan Lea Mitchell, Obenchain Reed Scarborough Shelley Shepard & Weatherford 18.

Nays. Messrs Burnett, Casey, Crawford of J. Darden Durant Finley Gwinn Hartley Moore Parsons Selman & Wheeler 12.

A Bill suspending all laws of limitation &c. Read 2. time, The vote on Mr. Graham's amendment was as follows

Yeas Messrs Boyd. Burnett Casey Cook Crawford of H. Crawford of J. Durant Graham Houston, Mitchell Obenchain, Reed Selman Shelley, Weatherford & Wheeler 12

Nays. Messrs Branch Erath. Finley Gwinn Harcourt Hartley Jordan, Lea, Moore Parsons Scarborough 12.

Mr. Durant offered the following amendment, "Provided the benefits of this act shall extend only to such as may be in the military service of this State or Confederacy and thereby denied the opportunity to bring suit to maintain

their rights"

Mr. Finley moved to lay the amendment on the table which was refused by the following vote

Yeas Messrs Baltte Darden Crath Finley Graham Gurrin Harcourt Houston Obenchain & Weatherford 9.

Nays. Messrs Beasley Boyd Branch, Burnett, Casey, Cook, Crawford of T. Crawford of J. Durant Hartley Jordan, Lea Mitchell, Moore, Parsons, Reed Scarborough, Selman Shelley Shepard & Wheeler. 22.

Mr. Finley then offered the following as a substitute which was accepted. "Provided that this law shall not apply to any class of claims except debts due on bills bonds promissory notes and contracts for the payment of money" Laid on table

Mr Boyd moved to indefinitely postpone the bill and Amendments. whereupon Mr. Gurrin moved to lay the motion on the table which was carried by the following vote

Yeas Messrs Baltte, Beasley Branch Casey Cook Crawford of T. Darden Durant Crath Finley Graham Gurrin Harcourt Hartley Houston Jordan Lea, Moore, Obenchain, Parsons, Reed, Selman Shelley, Shepard & Wheeler 25

Nays. Messrs Boyd Burnett Crawford of J. Mitchell Scarborough & Weatherford 6

Mr Shepard offered a substitute for the bill, whereupon Mr. Shelley moved to so Amend as to suspend limitation until 60 days after declaration of peace— the Substitute and proposed amendment adopted.

Mr. Weatherford then offd the following Amendment. Provided that this act shall not be construed to effect any settlm upon any League or Leagues of land in this State" Laid on the table by the following vote

(Yeas Messrs Baltte, Beasley Boyd Cook Crawford of T. Crawford of J. Darden Crath Gurrin Harcourt Hartley Jordan, Lea, Mitchell, Moore, Parsons, Reed Scarborough Selman & Shepard 20

Nays. Messrs Burnett, Casey, Finley, Graham, Houston, Obenchain, Shelley Weatherford & Wheeler. 9

The previous question being ordered the bill was ordered to be engrossed by the following vote

Yeas Messrs Baltte Beasley Boyd, Branch Crawford of T Crawford of J. Darden, Crath, Gurrin, Harcourt Hartley, Houston Jordan, Lea Mitchell Moore, Parsons Scarborough, Selman Shelley & Shepard 21.

Nays Messrs Burnett, Casey, Durant Finley Graham, Obenchain Reed & Weatherford 8. The rule was then suspended Bill read third time and passed.

The following Message was received from the Governor.

Executive Department

Austin January 4. 1862

Gentlemen of the Senate & House of Representatives

I am this morning in receipt of a communication from five of our members in the provisional Congress of the Confederate States informing me "that large quantities of the Clothing and supplies furnished by the patriotic citizens of our state to the Texas Volunteers in the army on the Potomac are now lying scattered at various stations between Mobile, Bluffs and Richmond and unless cared for by some suitable person will be lost and destroyed". They call upon the Executive to appoint an agent to proceed at once to searching out these packages and providing for their certain transmission to their points of destination.

I appreciate fully the importance of the suggestions made by our members of

Congress and believe that under the 3rd section of a joint resolution passed by your Honorable body and approved on 23. Nov. 1861. I have the power to appoint an agent or agents to carry out the object sought to be accomplished. Yet no appropriation is made to carry out its provisions. I can but say that I am in daily receipt of petitions and letters calling my attention to the destitute condition of our soldiers in the field, that they are most certainly in a deplorable condition brought on from various causes but attributable in a great measure to a scarcity of good bedding and clothing. Something should be done and done promptly to relieve the wants and distresses of these brave spirits in the field and I do hope & trust that the Legislature will at once make an appropriation of such sum as they may deem advisable for this patriotic purpose and to meet such appropriation subject the spare funds now in the Treasury.

I am gentlemen
Very Respectfully Your Obt
F. R. Pickens

The Message was refrd to Committee on Military Affairs.

Mr Crawford of L. introduced a Bill to reduce the Salary of all public officers when the Constitution does not prohibit it. Read 1 & 2 time and refrd to Comtee on retrenchment and reform.

The Finance Committee reported a Bill to raise a loan and provide a specific tax to meet the interest and principal under the Constitution Read 1st time also a Bill to provide for the printing of blank Treasury warrants with the following amendment. Strike out "two thousand" and insert "twelve hundred"

The Committee on Enrolled Bills reported Correctly enrolled properly signed presented to the Governor the following, a Bill for the relief of Purchasers of University lands. A Bill for relief of Wm V. Hughes. asse of Jonathan Burk.

The committee on Retrenchment and reform reported the discontinuance of the Asylum for the blind and the appropriation of money to send the papers from the Institution to their respective Counties -

A message was rec'd. from the House informing the Senate that the House had adopted a substitute for Senates bill to provide arms and ammunition for the military defence of the State, and had passed a bill to amend the 2 & 3. sections of an act authorizing a loan and imposing a specific tax &c &c, and a Bill for relief of Philander Priestley

Joint Resolution providing for auditing the claims of Capt Lanson's Company of Volunteers. Read 3. time & passed Mess. Crawford of L. Durant & Gwinn voting Nay.

A Bill regulating estrays - Read 2. time. The repealing clause sec 6. was stricken out & bill passed to 3rd reading - Rule suspended - Read 3. time and pass ed. Mr. Graham moved to strike out "dime" in first section and insert "25 Cents" lost when the yeas and nays were called and bill lost by the following vote.

Yeas. Messrs Batte Boyd, Darden, Erath, Finley, Marcomb, Houston, Lea, Mitchell Reed, Scarborough, Shepard 12

Nay. Messrs Beasley, Branch, Burnett, Cook, Casey, Crawford of L, Durant Graham, Gwinn, Moore, Parsons, Selman & Weatherford 14.

Mr Gwinn moved to reconsider. Mr. Graham moved to lay the motion on table whereupon Mr. Marcomb moved a call which was sustained. Mr. Weatherford moved to adjourn until 3 o'clk P. M. - lost. The Senate being full Mr. Grahams motion was put and lost, when Mr. Gwinns motion was put and carried. The bill was then passed by the following vote:

Yeas - Messrs Batte Boyd Cook Darden Erath Finley, Marcomb, Martin, Moore

Lord Rea Mitchell Reed Scarborough Shelby LSheppard 16.
Nay. Messrs Beasley Branch Burnett Casey Crawford of F. Crawford of J. Durant Graham, Irwin Moore Obenchain, Parson Selman Weatherford Wheeler 15.
The Senate then Adjourned until 3 oclk P.M.

3 oclk P.M.

Senate met - Roll Called. Quorum present.
A Bill to incorporate the Arkansas Salt works company - Read 2. time and ordered to be engrossed. Rule suspended. Read 3 time & passed Messrs Boyd Burnett & Crawford of J voting Nay.
A Bill to regulate the entry of headrights by the County Courts of the State Read 2. time and ordered to be engrossed - Rule suspended Read third time & passed.
A Bill for relief of W. R. Chalmers. Read 2. time. Mr Watts offered the following Amendment. "That all the officers and men called out and serving by order of the Governor in the same campaign shall receive the difference due them under the different laws and that the sum of $ is hereby appropriated to carry out the objects of this act." Amend Caption by adding "and all officers & men called out by Governor Houston in the Spring of 1860" Mr. Keller proposed to insert "under the act of Feb. 14. 1860" accepted. Mr Irwin moved an indefinite postponement which was lost by the following vote
Yeas. Messrs Beasley Boyd Burnett, Crawford of F Crawford of J. Graham Irwin, Moore, Obenchain & Wheeler 9.
Nays. Messrs Branch, Casey, Cook, Harden, Erath, Hailey, Marcom, Houston Lindsay Rea, Mitchell Parsons, Reed, Scarborough, Keller, Shepard & Weatherford 18.
Mr Irwin offered a substitute authorizing the Comptroller to audit the claims of W. R. Chalmers as quarter master for 60 days under the frontier bill Mr. Keller moved to lay on table. lost. The question on the adoption was then put & carried Rule suspended Read 3rd time & passed.
A Bill to amend the act prescribing the mode of establishing the liabilities of drawers Endorsers & Bills of Exchange & promisory notes app. 20. March 1848 Read 2nd time. Refrd to Judiciary Committee.
A Bill to prevent judgment liens from becoming dormant - Read 2. time - substitute of Committee adopted and made special order for Monday next at 12. oclk M.
A message was received from House informing the Senate that the House has passed a bill appropriating money for the purpose of transporting clothing to the Volunteers. which was taken up Read 1st time rule suspended Read 2. time. Mr. Beasley offered the following amendment "That the agent be required to take an oath and give bond in double the amount of the sum advanced to him" laid on the table
Mr. Crawford of J offered the following Amendment "Provided that the 1/10 of the annual revenue set aside by the Constitution for the benefit of public Schools shall not be considered as appropriated by this act." laid on table. The bill was then read 3rd time and passed.
A Bill to provide arms and ammunition for Military defence of the state refrd to Com on Finance
A Bill to provide a Hospital fund - Refrd to Finance Committee
A Bill for relief of Philander Priestley Refrd to Comt on Private C. Claims
A Bill to amend 2. & 3. Sections of act authorizing a loan and imposing specific tax &c. &c. Refrd to committee on Finance.
A Bill to amend Sec 3. of an act relative to the organization of the Lunatic

Asylum - Refrd to Comt. on State affairs
A Bill to protect public buildings - Refrd to comt. on State affrs.
Senate then adjourned until 10 o'clk A. M. Monday.

Monday January 6. 1862

Senate met pursuant to adjournment. Prayer by the Chaplain. Roll called - Quorum present. Journal of Saturday read and adopted.

A message from House informed the senate that the House had passed the following Senate bills.

Joint Resolution to authorize and require the Adjutant General to collect the necessary information to make a register of State troops and to have printed 500 copies of same with an amendment

Joint Resolution Concerning Col Jno S. Ford and his late command on the Rio Grande

A Bill for relief of Lipscomb Worrall

A Bill for relief of John Thomas asse of D. Murphy

The committee on public Lands recommended the passage of a bill to provide for the sale and settlement of the vacant alternate sections of land in Tickers and Millers Colony

Messrs Harden Branch & Shepard were appointed a committee of Conference on the disagreement between the two Houses on a Bill Creating a hospital fund.

The committee on Finance reported the General Revenue Bill from the House with the following amendments. At end of Sec. 1 add as follows. "which shall include the specific taxes provided by special laws for payment of interest and principal of loans so that one of the specific taxes shall be collected for the year 1862 and annually for subsequent years and other specific taxes shall be collected for year 1863 and annually for subsequent years, if the Governor should previously issue and place in market the bonds for the second loan and so that the specific taxes to be collected each year shall be deducted from the general tax thereof."

In sec. 3 after the word "kept" strike out to the word "on"
After "dollars" strike out to "on"
After "dollars" in 29 line strike out to "dollars" in 34 line.
After "dollars" in 39 line strike out to "on". in 41. line

The Judiciary committee recommended the passage of the following bills. A Bill for relief of Geo. W. Morris. A Bill to amend several sections of an act to prescribe the mode of adoption passed Jany 6. 1860. and recommended the indefinite postponement of a Bill suspending the collection of money on forfeited recognizances and bail bonds.

The comm. on Private Land claims recommended the passage of a bill for relief of Archibald Hotchkiss.

Mr. Gurley introduced a Bill to amend art. 420 Oldham & White's digest - Read 1 & 2 time and refrd to Judicy Committee

Mr. Jordan introduced a bill for relief of Texas & N. O. Rail R. Company. Read 1 & 2 time and referred to Judicy Committee

A Bill making an appropriation to pay the mileage & per diem of members of 9th Legislature upon the veto of the Governor. The message was read. (For this document see journals H of R.) The bill was then read and the question recurred to pass the bill over the veto by the following vote Mr. Harden having been excused

from voting
Yeas. Mefsrs Batte Beasley Burnett Casey Cook Crawford of J. Durant Finley Graham Jordan Lea Mitchell Moore, Parson Scarborough Selman 16.
Nays - Mefsrs Boyd Branch Crath Gunn, Harcourt Houston Obenchain, Reed Shepard Wheeler; 10.
The comm. on Engrossed Bills reported the following correctly engrossed.
A Bill to suspend the Statute of Limitations &c. A Bill to authorize County Courts to make entry of unconstitutional headrights &c and A Bill to incorporate the Arkansas Saltworks Company.
A message from House informed the Senate of the passage of the following Bills,
A Bill for relief of Charles H. Sims - Read 1 & 2. time and refrd to comm. on private land claims.
A Bill for relief of Robert H Jackson. Read 1 & 2 time and refrd to committee on Private land claims.
A Bill for relief of James L. Foster Read 1 & 2 time and refrd to Comt on Private land claims,
also that the House has appointed Mefsrs Abney Russell Willis Reed & Hanshy a comm. to act with like committee of Senate to inquire if any thing was done that ought to be done by the Legislature towards putting the State on a Coin footing. Further that a committee of five has been appointed to act with like Senate committee to inquire into the matters stated as facts in the Veto message of the Governor
Mr. Gunn thereupon moved to reconsider the vote refusing to pass the bill over the veto. and the Senate adjourned until 3 oclk P M.

3 oclk P. M.

Senate met - roll called - Quorum present.
The Yeas and Nays were called on Mr. Gunns motion to reconsider and were announced as follows.
(Yeas Mefsrs Batte, Beasley, Boyd Burnett Casey Cook Crawford of J. Crawford of Crath Finley, Graham, Gunn Harcourt Houston Jordan Lea, Mitchell Obenchain Parson, Reed Scarborough & Shelley 22
Nays Mefsrs Durant Moore Shepard Weatherford & Wheeler 5.
The previous question was then called for and ordered when the Senate refused to pass the bill over the Veto by the following vote.
(Yeas. Mefsrs Batte Beasley Burnett Casey Cook Crawford of J. Durant Finley, Graham, Jordan Lea Mitchell, Moore Parson Scarborough Selman & Weatherford. 17.
Nays Mefsrs Boyd Crawford of Crath Gunn, Harcourt, Houston Obenchain Reed, Shelley Shepard & Wheeler 11.
A Bill for relief of Thomas F. Smith - passed to 3rd reading - rule suspended read 3rd time & passed.
A Bill to authorize the withdrawal from the land office of deeds issued on papers of the second deal - passed to 3rd reading Rule suspended Read 3rd time & passed.
A Bill to change the time of holding the Courts in 9th Judicial district - Read 2nd time.
Mr. Burnett moved to lay the bill on table - carried by the following vote
Yeas Mefsrs Batte, Boyd, Branch, Burnett, Casey Cook Crawford Gordon Obenchain Crath Graham Jordan Lea, Moore Reed & Wheeler 16
Nays Mefsrs Beasley, Harcourt, Houston Scarborough, Selman & Weatherford 6

A Bill to extend the time for returning preemption field notes and to pay the dues thereon. Read 2. time Amendment of Committee Adopted. and bill ordered to 3rd reading. Rule suspended. Read 3rd time & passed.

The committee on Enrolled Bills reported the following Correctly enrolled properly signed & presented to the Governor &c. A Bill for relief of Jno Thomas Assignee of A. Murphy - A Bill Concerning Col Jno S. Ford and his late Command on the Rio Grande,

A Bill regulating fees for swimming Cattle at ferries - Read 2 time and passed to 3rd reading. Rule suspended Read 3 time & passed

A Bill to legalize the acts of Alex. Birdsong Notary Public of Travis County passed to 3rd reading, Rule suspended read 3 time & passed.

A Bill to provide for the sale and settlement of vacant alternate sections of land in Fisher & Miller Colony - passed to 3. reading rule suspended, read 3 time & passed.

The Senate then adjourned until 10. oclk A. M. tomorrow.

Tuesday. January 7. 1862

Senate met pursuant to adjournment Prayer by the chaplain roll called - Quorum present. Journals of yesterday read and adopted.

The committee on private land claims recommended the passage of a bill for the relief of R. H. Jackson.

Messrs Burnett & Grimm made the following Minority report:

"The committee on Retrenchment and reform having had under consideration the government of the Lunatic Asylum have determined to make no alteration or reduction of the officers and their salary. The undersigned Minority dissent from the majority of the committee and beg leave to make the following report. We are of the opinion that the salary of the superintendent remain unchanged and that the board of managers be required to deduct from his salary a reasonable board for each and every one of his family and so with every officer of the Asylum. There is an invidious distinction between officers who have large families and those who have small and believe this distinction should not exist. We think the salaries are fully sufficient to admit of a reduction for board. The salaries of the other officers of the Government are not any more nor are their families supported at the expense of the State. We also disagree with a majority of the committee relative to the raising of the salary of the Governors private Secretary being fully convinced that there are no time to raise the salaries of officers."

The Judiciary Committee recommended the passage of a Bill to amend An act describing the mode of establishing liabilities of drawers and indorsers of bills of Exchange and promissory notes &c.

A message from House informed the Senate of the passage of the following Senate bills. A Bill for the relief of A. H. Cook A Bill supplemental to an act, incorporating the Southern pacific rail road Company &c. &c. and the following house bills. Bill Amendatory of an act and supplemental to the 2. section of an act granting a pension to Cynthia Ann Parker approved Apl. 8. 1861.

Bill supplemental to and amendatory of an act to provide for the transportation of clothing and other Contributions to the Texas volunteers in Confederate army passed Janry 4. 1862. Read 1. time, Rule sus. Read 2. time - Rule for sus. read 3. time & passed.

A Bill to require the County Court of Colorado County to furnish the surveyor with books of record &c. passed to 3. reading - Rule suspended - Read 3rd time & passed.

A Bill for relief of R. A Jackson. passed to 3. reading - Rule suspended read third time and passed.

A Bill for relief of Geo. M. Glascock asse. of M. Wood. Read 2. time & passed to 3rd reading Rule suspended Read 3rd time and passed

The committee on Military affairs reported a bill upon the application of Thomas Chubb & recommended its passage - read 1st time.

A Bill to prohibit stallions and jacks from running at large in Dallas Lamar and Bowie Counties - passed to 3. reading - Rule suspended - read 3rd time & passed.

Messrs Beasley Parsons & Finley were appointed a committee under resolution of the House of Representatives.

Mr. Burnett introduced a Bill appropriating 75000$ for pay of members & officers 9th Legislature - read 1st time rule suspended read 2. time

Mr. Crawford of J. moved to strike out the words "or his draft upon the several assessors & collectors of Taxes"

Mr. Parsons moved to refer the bill to Judiciary committee - Lost.

A motion to lay Mr Crawfords amendment on table resulted as follows.

Yeas Messrs Battle, Beasley, Boyd Crawford of H. Crawford of J. Erath Graham Grimm Harcourt, Hartley, Houston, Lea, Oldenham, Reid, Shelley, & Wheeler 16 Nays. Messrs Burnett Cook, Darden Durant, Fairler, Moore Parsons Scarborough Selman & Weatherford 10.

Mr. Erath moved to strike out 3rd section — Lost on table.

A motion to lay the bill on the table read lost. The bill was then ordered to be engrossed

A message from House informed the Senate that the House had passed a Bill supplemental to an act suspending the collection of debts &c and a resolution appointing a committee to devise ways and means by which the members of the 9th Legislature could pay their board bills &c.

Mr Burnetts bill appropriating 75000$ &c was passed by the following vote

Yeas. Messrs Battle Beasley, Burnett Cook Crawford of H Finley Grimm, Harcourt Houston Mitchell Moore Oldenham, Reid Shelley & Wheeler, 16.

Nays. Messrs Boyd Casey, Darden, Durant Graham, Hartley Lea Parsons Scarborough Selman Shepard & Weatherford 12.

A Bill amending the Stay law - Read 1 & 2. time and referred to Judiciary Committee.

A Bill for relief of Thomas Chubb. Read 2 time Mr Hartley offered a substitute - Mr Crawford moved to indefinitely postpone the bill - Carried

The House concurred in Senates amendments to Bill to consolidate into one and amend the several acts incorporating the City of Houston.

The committee of Conference on a Bill creating a Hospital Fund reported a substitute therefor which was adopted

The committee on Engrossed Bills reported Correctly engrossed a Bill to provide for a digest of the Laws of Texas.

Mr. Selman introduced a Bill to authorize the loan of County Money Read 1 & 2. time and refer to Committee on Finance.

The committee on Finance reported the following amendments to a Bill to amend the law for the Assessment & Collection of Taxes &c.

Sec 2. line 6. after "Claims" insert "and other property permanently situated in any County"

Line 6 & 7. after "in" strike out "the county in which said land lies" and insert

such county except as provided in this act for assessment of non residents"

Lines 19 & 20 after "property" strike out "situated in other Counties" and insert "situated in any other organized County"

Line 21 after "list" insert "and appraisement"

Line 24 after "list" insert "and appraisement"

Line 27 strike out "assess the same" and insert "enroll the same as assessed subject to revisions as other assessments"

Line 28 at the end insert "or preemption claims or other property permanently

Line 21 after "Judicial" insert "and remain"

Sect 1. Line 12. after "oath" insert "affirmation". Line 13 after "given" insert "or affirm"

Line 17 strike out "in this County" and insert "within this State but not permanently situated in some other organized County than this"

Line 18 & 19 Strike out "for the same" and insert "thereof at ordinary sale not forced"

Line 28. after "property" insert "at ordinary sale not forced"

Sec 3. Lines 26 & 27 after "at" strike out "original beginning corner of said tract and insert "and the notice shall be given and the sale made with a description of the part to be sold so as to define the sale made from some corner of the tract"

Sec 5 3 after "States" insert "until"

add Sec 6 and Amend Caption so as to Read a Bill to better regulate the assessment & collection of Taxes.

The Senate then adjourned until 7 oclk P. M.

7 oclk P. M.

Senate met. roll called - Quorum present.

The committee on Enrolled bills reported the following. correctly enrolled properly signed and reported to the Governor.

A Bill supplementary to an act incorporating the Southern Pacific Rail Road Company appd Feb 16. 1852 &c

A Bill for relief of A. H. Cook

Mr Neathercon introduced a Bill to provide for the payment of Capt Goode Company of Light Artillery Read 1st time - rule suspended - read 2. time - Rule further suspended. Read 3. time & passed.

The Judiciary committee reported a substitute for a bill supplemental to the Stay law which was adopted and ordered to 3rd reading - Rule suspended Read 3. time & passed.

A Bill making appropriation for mileage &pr. diem was reported Correctly engrossed.

A Bill to amend an act to ascertain and adjudicate certain legal claims for Land against the State situated between the Nueces & Rio Grande Rivers appd Feb. 16. 1850 Read 2. time.

Mr Rea offered the following amendment "and the final Confirmations under the provision of this act shall not be Conclusive nor shall patents be issued until further provision be made therefor by law

Mr. Swisher offered a substitute for the bill which was laid on table.

Mr. Rea's Amendment was adopted by the following vote

Yeas - Messrs Beasley Boyd Branch Burnett, Casey Crawford & H. Crawford of Harden Devine Houston, de la Moore Oldham Rice Selman & Wheeler 16

Nays Messrs Battle Erath, Hailey Graham, Harcourt, Jordan Mitchell

Parsons. Scarborough, Shelley, Shepard & Weatherford 12. Bill read 3rd time and passed.

The House agreed to Senate substitute to bill for relief of W. L. Chalmers.

A Bill for relief of Levi Powell – Read 2. time Rule suspended Read 3rd time & passed.

A motion to reconsider the vote on the following bills was postponed until to morrow evening. Bill changing the time of holding Courts in the 9th Judicial district Bill for relief of Capt Thomas Chubb

A Bill to exempt a certain class of persons from labor on public roads. Read 2 time and ord[r] to be engrossed. Rule suspended and bill passed by the following vote.

Yeas Messrs Batte Beasley, Boyd, Branch Burnett Casey, Crawford & W. Crawford & J. Finley, Graham Gwinn, Jordan Lea Mitchell, Moore, Blanchard Parson, Reed Selman, Shelley, Weatherford & Wheeler 22.

Nays. Messrs Barden, Bath, Harcourt, Hartley, Houston Scarborough, & Shepard 7.

A message from the House informed the Senate of the passage of the following bills and of other action as follows.

The adoption of report of Com. of Conference on Bill to provide a Hospital fund. Bill for relief of Capt Ballow Company, Bill for relief of Capt J. J. Goods Company Bill to validate certain land certificates. Bill to authorize the County Courts to make entry of Headrights. Bill making an appropriation for payment of Commissioners sent to the Indians by the Convention with Amendments. Bill for relief of Companies incorporated for purposes of Internal Improvement with amendments

A Bill to regulate County advertising in newspapers in certain cases. Read 2nd time & laid on table.

A Bill for relief of J. B Beck Wm Gist and L. A Cook and Abner Matthews. read 2nd time and passed to 3rd reading – rule suspended – read 3 time & passed.

The committee on private land claims reported and recommended the passage of a Bill for relief of D. F. Plummer. Read & ordered to 3rd Reading Rule suspended Read 3. time & passed.

A Bill making an appropriation for manufacture of Bowie knife Read 2 time & ordered to a third reading – rule suspended Read 3. time and lost by following vote

Yeas. Messrs Branch Graham, Hartley Houston, Jordan Lea Shelley Shepard 8.

Nays. Messrs Batte Beasley, Boyd, Burnett Casey, Crawford & W. Crawford & J. Erath Finley Gwinn, Harcourt, Mitchell, Moore, Parsons, Reed, Scarborough, Selman Weatherford & Wheeler 19

A Bill for relief of Levi English. Read 2. time & passed to 3. reading. Rule suspended Read 3. time & passed.

A Bill amending an act granting a pension to Cynthia Ann Parker, Read 2 time and passed to 3. reading – rule sus read 3. time & passed.

A Bill for relief of Geo W. Morris – Read 2. time & ordered to 3. reading Rule suspended, read 3. time & passed.

A Bill for relief of Archibald Hotchkiss – read 2. time – rule sus – read 3. time & passed.

A Bill for relief of Capt L. A. Goods Company – Read 1 & 2. time & ref'd to Comm. on Military affairs

A Bill for relief of Companies incorporated for purposes of Internal Improvements on House amendments The whole refer to Com on Internal Improvements.
A Bill making appropriation to pay Commissioners to Indians sent by the Convention - Amendments of House Concurred in.
A Bill to validate certain land certificates. Read 1 & 2. time. - Rule suspended Read 3. time & passed. The Senate then adjourned until 10 o'clk A.M. to morrow.

Wednesday January 8 1862

Senate met pursuant to adjournment - Prayer by the Chaplain - Roll called. Quorum present. Journal of yesterday read and adopted.

On motion of Mr. Grimm the passage of the bill amending the stay law was reconsidered and the following amendment was adopted Strike out "and" and "have been" and insert "may be". The bill was then passed.

Resolution from the House concerning the Governor veto Message was read Mr. Erath moved to lay on table upon which the Yeas and nays were ordered when Mr. Selman moved a call which was sustained.

Mr. Harcourt called from the table a Bill to regulate County advertising in certain cases - Read 2. time and made special order for 3 o'clk P.M.

The committee on private land claims recommended the passage of a bill for relief of Robert R. Scott. also the following,
Bill for relief of Charles H. Sims, Bill for relief of Jarman Leander Bill for relief of L. Foster.

The House informed the Senate by messenger that they had passed a bill appropriating money derived from the State revenue for Military purposes.

Mr. Erath introduced a Bill to provide for issuing original and duplicate bounty and donation warrants &c &c &c. Read 1 & 2. time and referred to Judiciary Committee

Mr Grimm offered the following resolution "Resolved that the Secretary of the Senate be required to index the journals of the Senate as well as the papers in his possession as secretary of the Senate placing the same in proper position so as to form a ready reference to the petitions bills and resolutions that have been presented to and acted upon by the Senate at the present session and that he be allowed five Dollars per Day for such services while actually employed not to exceed Sixty days to be paid out of the Contingent fund and the Secretary be required to send to each Senator a copy of the laws and journals by mail as soon as published and that he be required to prepare the Caption of all bills and resolutions passed by the 9th Legislature and approved by the Governor and have 500 copies printed and forward to each Senator his proportion" Adopted. The Senate Concurred in and, appointed Messrs Durant Parsons and Erath were appointed a committee on the resolution of the House relative to the Governors veto Message, the call of the Senate thereon having been suspended and Mr. Erath having withdrawn his motion to lay on table.

The revenue bill was taken up on motion of Mr. Grimm and the General report of Finance committee was read. (See page of this book)

The amendments of committee to the Bill to amend the Tax Laws were all adopted.

Mr. Lea offered the following amendment "The term 'property' as above used shall mean money and credits. The term 'money' shall include gold silver and coin[illegible]

coins, bullion, bank notes and Confederate notes. The term 'Credits' shall mean all bank, State, Confederate and Corporation stocks and all partnership common or individual claims or demands owing to or coming to any person whether due or not and whether payable in money or other thing. And money and credits owned by any resident of this State whether such monies or credits be within or without this State shall be taxed at the rate of taxation for other property. And all monies and credits shall be valued as other property."

Mr. Crawford of D. moved to strike out so much of the amendment as refers to money & credits without the State— Whereupon Mr. Batte moved to lay on table— a division being called for the amendment was tabled by the following vote

Yeas Messrs Batte Branch Crawford of T. Durant Erath Finley Gurrin Harcourt, Houston Lea, Mitchell; Moore Reed Scarborough & Shepard 15.

Nays. Messrs Beasley, Boyd, Burnett Crawford of D. Graham, Parsons Selman Sheller & Weatherford 9.

Mr. Crawford of J. moved to strike out 25 cents and insert 12½ cents as the rate of taxation— Laid on table. The bill was then ordered to 3rd reading Rule suspended read 3rd time and passed.

The Senate then adjourned until 3 o'clk P. M.,.

3 o'clock P. M.

Senate met. roll called. Quorum present.

Mr. Crawford of J. offered the following resolution "Resolved that the resolution adopted authorizing members to call up bills in alphabetical order be rescinded" adopted.

The committee on County boundaries returned for the consideration of the Senate a bill to establish the line between Hays & Comal Counties.

The vote passing a bill relative to land titles between the Nueces and Rio Grande rivers was reconsidered as follows

Yeas Messrs Beasley, Branch, Cook Durant, Finley, Graham, Harcourt Houston Mitchell, Reed, Scarborough, Sheller, Shepard & Weatherford 14

Nays. Messrs Batte Boyd Burnett, Crawford of J. Gurrin, Jordan, Lea, Moore, Obenchain, & Wheeler 10

The further Consideration of the bill was postponed until 7 o'clk P. M.

A Bill appropriating money for military purposes. Read 1st time Rule suspended Read 2 time.

Mr. Gurrin offered the following Amendment, "Provided that upon the termination of the present war should it end before the date mentioned in the first section hereof or upon its being determined by the Military Board. that any portion of the sum herein set apart will not be required for the purposes herein provided, said portion shall be turned over by said board to the General fund in the Treasury to be used as provided by law. provided further that all liabilities which may have been incurred by said Board in accordance with the provisions of this act shall be fully provided for before any portion of the fund herein set apart shall be used as provided by law

Mr. Crawford of J. offered the following to the amendment. and moved the previous question, Which the Chair sustained whereupon the amendment was adopted. The bill was then ordered engrossed and read 3rd time Rule suspended. Read 3rd time passed.

Several unimportant motions the bill was referred to Committee on Finance with instructions to report on to-morrow evening

A message from the House informed the Senate of the passage of the following Bills.
A Bill to authorize the superintendent of the Lunatic Asylum to receive Mary L. Redham a lunatic and to make provision for the same, Rule sus. read 1.2.& 3. time & passed.
A Bill supplemental to an act making an appropriation to pay the Contingent expenses of the 9th Legislature passed Dec 9. 1861 Rule sus read 1.2 & 3. time & passed.
The committee on Enrolled bills reported the following correctly enrolled, properly signed and presented to the Governor viz:
A Bill to create a hospital fund,
A Bill to make an appropriation for the payment of Commissioners sent to the Choctaw Cherokee and other tribes of friendly Indians.
A Bill to authorize the County Courts to make entry of unconditional land right certificates &c
The committee on Engrossed Bills reported the following Bills correctly engrossed viz. A Bill to provide for the payment of Capt. Goodes company of light artillery & A Bill to exempt the Class of persons therein named from work and labor on public roads & highways.
The special order being Mr. Parsons motion to reconsider the vote indefinitely postponing the Bill for relief of Capt Thomas Chubb was laid on table.
The vote laying on the table a bill changing the time of holding the Courts in the 9th Judicial District was reconsidered whereupon Mr. Selman offered a substitute for the bill which was adopted and ordered to be engrossed by the following vote.
Yeas. Messrs Beasley Boyd Branch Cook, Crawford of J. Harden Harrapt Graham Houston Lea, Parsons Selman. Shelley Shepard Weatherford & Wheeler 16.
Nays Messrs Batte Burnett Crawford of T. Craft Gwinn Scarborough 6.
The rule was then suspended, bill read 3. time and passed.
The committee on Finance made the following report:

(For this report see page of this book.)

On Motion of Mr. Weatherford the Senate adjourned until 9 o'clock A.M. to morrow.

Thursday January 9. 1862

Senate met pursuant to adjournment. Prayer by the Chaplain roll called. Quorum present. The journal of Yesterday was read & adopted
A Bill for relief of Charles A. Sims - Read 2. time and ordered to a 3rd reading. Rule suspended. Read 3rd time and passed.
A message from the House informed the Senate of the following action by that body; viz. The passage of Senates bills for relief of Jos. P. Sneed assignee of Thos. Grubbs also Joint Resolution relative to procuring payment to be made deputy Marshals for taking Census in 1860. The adoption of Senate substitute for House bill relative to Lake known as Old Sal Del Rey. and agrees to Senate amendments to Bill to regulate estrays. The adoption of substitute of Senate to an act to amend the Stay law and refuse to agree to Senate Amendments to the Revenue Bill. The passage of Senate bill for relief of Rail Road Companies with an amendment which was concurred in.
The revenue bill was then taken up the Senate adhering to its amendments when Messrs Craft Gwinn & Lea were appointed a committee of Conference

The committee on Private Land Claims recommended the passage of a bill for relief of Philander Priestley.

The Secretary was authorized to employ the services of an additional assistant clerk for the remainder of the session.

A Message from the House informed the Senate of the passage of the following bills with amendments viz.

A Bill to create the County of Kendall and a bill to change the boundary line of Blanco & Kerr Counties. which were concurred in.

The revenue bill was then taken up and on Mr. Shelley's motion the 4th Section was stricken out.

Mr. Shelley then offered the following amendments which were adopted.

"Sec. 4 That Section 16 of said act appd. 11 Feb 1860 be so amended as to hereafter read as follows. Sec. 16. If any person shall fail or refuse to pay the taxes imposed upon him or her or his or her property by law until the first day of March next succeeding the return of the assessment roll of his county to the Comptroller, the assessor and collector shall upon such failure or refusal file in the office of the Chief Justice a list of the name or names of all such persons so failing or refusing to pay their taxes together with a list of their taxable property respectively and the amount of taxes due thereon and unpaid. And in all cases where property has been assessed to an unknown owner the assessor and collector shall file a list of such property with the description by which the same was assessed in the office of said Chief Justice. And it shall be the duty of the Clerk of the County Court immediately to issue citations in the name of the State of Texas to each of the parties so failing or refusing to pay their taxes attested by the seal of the County Court commanding said parties to appear at the next regular term of the County Court and show cause why judgment should not be rendered against him her or them for the amount of the taxes due and unpaid which citation shall be served and returned by the sheriff in like manner with other citations where the parties are residents of the State and shall be returnable to the first regular term of the County Court after issuance. But where the owners of the property on which the taxes are not paid are non residents or unknown citation shall be issued to said non residents or unknown owners describing therein the property assessed to said non residents or unknown owners which citation shall be published for three consecutive weeks in a newspaper published in the County if there be one if not then in the newspaper published nearest to the Court House of the County where said proceedings are had and said citation shall be returnable in like manner with other citations by publication at the regular term of the County court in August. And when citations have been executed and returned as herein provided, the county court being hereby invested with full power and jurisdiction for this purpose; shall at the Court to which the citations are returnable or at any subsequent regular term proceed to hear and determine the Cases in the order in which they have been entered upon a docket to be kept for that purpose the State of Texas as plaintiff and the party to whom citation has been issued as defendant. On the hearing it shall be competent for the defendant to show any matter which will exempt him or her from liability for the amount charged against him her or them provided of payment shall have been made after the citation issued the defendant shall be liable for and shall pay all costs incurred. Upon the rendition of judgment by the County Court attested by the seal of said Court for the amount of said judgment and costs execution shall be levied in the same manner and the same proceedings had thereon as other executions and shall be

returnable to said County Court in sixty days from the date of issuance.
Sec 5. The list filed in the office of the Chief Justice by the assessor and collector as provided in the preceding section shall be prima facie evidence of what it contains, and it shall be the duty of the assessor & collector to attend the terms of the County courts at which any proceedings may be had under this act and he shall represent the state in the preperation and presentation of said cases to said court and he shall receive for such services the same compensation as heretofore allowed by law for advertising and making sales of Taxes.
Sec 6. The Sheriff or other officer when he shall have made sale of any property for the payment of taxes under said judgment and execution as herein provided shall make and execute a deed for said property to the person or persons purchasing the same which shall have the same force and effect as other Sheriffs or official deeds provided however that the owner of such property shall have the right to redeem the property so sold at any time within two years of the day and date of the sale thereof upon paying to the purchaser the amount paid by him for said property and all costs together with interest thereon at the rate of 25 pr. ct. pr. an. and also all taxes which may have accrued on said property and been paid by said purchaser after the date of said sale.
Sec 7. The chief justice shall be entitled to receive the following fees for his services under this act
For renewing up judgment One Dollar
The County Clerk shall receive for his services as follows.
For issuing each citation fifty Cents.
" " each subpoena fifty Cents.
" " Execution fifty Cents
Entering return on same Ten Cents. The Sheriff shall receive for his services under this act the same fees as are allowed him by law for like services in other cases And said fees shall be taxed in the bill of costs and collected in like manner as costs in other Cases.
Add at end of 4 section "provided that Executions under this act may be issued to and levied in any county in the state."
Mr Swisher offered the following Amendment "And all taxes not paid by the last day for paying taxes designated by this act shall bear interest at the rate of 10 pr. ct pr. an. and no deed of transfer shall be received for file or record in any county clerks office unless accompanied by tax receipts for the year 1860 & the following years or if said receipts be lost a certificate from some tax collector or the comptroller that the taxes from 1860 up to the year to which the deed is presented for record have been paid." Laid on table.
The caption of the bill was amended according to the recommendation of the Finance Committee
Mr Lea moved to strike out "That the list of taxable property required to be furnished shall not be construed so as to include the products of the soil of this state" Laid on table.
Mr Shelley offered the following "provided further that nothing herein shall be so construed as to effect the lien of taxes upon all property real and personal as heretofore provided by law" adopted.
The Finance committees amendments to section 8. was adopted.
Further consideration was postponed for the present.
Mr. Abernathy introduced a Bill for relief of Preemption settlers and to extend the time for the payment of dues thereon. Read 1st & second time and

ordered to be engrossed. Rule suspended read 3. time & passed

A Bill for relief of James L. Foster Read 2. time and ordered to 3rd reading. rule suspended read 3rd time & passed.

A Bill for relief of Robert R. Scott - Read 2. time and ordered to be engrossed - Rule suspended read 3. time and passed.

The committee on Internal Improvements recommended the passage of a bill for the relief of the Texas and N.O. Rail Road company. Rule suspended bill amended and ordered to be engrossed - Rule suspended Read 3rd time and passed by constitutional majority

The Finance committee recommended a substitute for a bill appropriating money derived from the State revenue for military purposes

Mr. Hartley introduced a bill supplementary to an act to create a Hospital fund. Read 1st time Rule suspended Read 2. time and ordered to be engrossed - Rule further suspended Read 3. time and passed.

The senate then adjourned until 3 oclk P.M.

3 oclk P.M.

Senate met - roll called, Quorum present.

The bill for relief of W. R. Chalmers having been substituted by the senate and the House having refused to adopt it the question arose upon a motion of Mr. Shelley to recede and was lost by the following vote

Yeas Messrs Battle Cook Darden Graham, Harcourt, Hartley, Mitchell Parsons, Reed, Scarborough, Shelley Upson Rutherford 12

Nays. Messrs Beasley, Boyd, Burnett, Casey, Crawford of T. Crawford of J. Durant Erath, Gunn Houston, Moore, Selman, and Wheeler. 13.

Messrs Shelley, Darden & Casey were therefore appointed a committee of Conference.

Message from House that they had passed a substitute for Senate bill for relief of Artemacia Wilson, Senates bill for relief of Preemption settlers and bill to amend act incorporating City of Austin and had appointed Messrs Marshall, Stiff, Kane, & Downes a conference Committee on bill for relief of W. R. Chalmers

A Bill for relief of Jarmian Carter, Read 2 time and ordered to be engrossed Rule suspended Read 3rd time & passed.

A Bill for relief of Philander Priestley - Read 2. time & ordered to be engrossed. Rule suspended Read 3. time & passed.

A Bill amending an act to incorporate the City of Austin Read 1st time Rule suspended Read 2. time - & passed to 3 readings. Rule suspended Read 3. time & passed.

A Bill for relief of F. A. Sherman. Read 1st time Rule suspended Read 2 time & ordered to be engrossed Rule suspended Read 3. time & passed.

A Bill relating to the sale of beef cattle. Read 1st & 2 time and refrd to committee on State affairs.

House substitute for Senates bill for relief of A Wilson adopted & passed to 3rd reading Rule suspended Read 3. time & passed.

A message was rec'd from the Governor upon which the Senate went into Executive session closing the doors of the Chamber while the message was being read & after opening the doors the message & accompanying documents were refrd to Committee on Finance.

Mr Harcourt presented the following protest

The undersigned most earnestly protest against the action of the Senate this

day in going into executive session and closing the doors of the Senate. We believe it to have been a palpable violation of Sec 18 art 3 of the Constitution and we wish the fact spread upon the journal that we took no part in this violation of the Constitution.

(signed) Jno T. Harcourt
G. R. Craft
R. K. Harkey

A committee of Conference made report as follows. "That the bill "to regulate the issuing of Treasury warrants" be recognized as the substitute to the original bill and that the caption of the substituted bill be amended thus. "A bill to repeal an act authorizing unpaid warrants to bear interest appd. Feb 14 1860 and otherwise to regulate the issuing of Treasury warrants" and that the bill so amended be passed. That the other bill sent from Senate to House be regarded as a seperate original bill of the Senate that it be amended by striking from 3rd section the words "Cities Towns" and that the bill thus Amended be passed.

Pryor Lea Chm. part of Senate
Horace Cone . . House

The committee on Enrolled bills reported the following correctly enrolled, properly signed & presented to the Governor viz:
A Bill for relief of Jos. C. Breed asse of Thos Grubb
A Joint Resolution relative to paying Depty Marshalls for taking Census.
The committee on Engrossed bills reported the following bills correctly engrossed to wit: A Bill concerning the disposal of certain funds therein described. A Bill changing the time of holding district Courts in 9th Judicial District. A Bill for relief of Robt B Scott. A Bill for relief of preemption settlers. A Bill for relief of Texas & N. O. Rail Road Company
A Bill for relief of Ann C. Baxter - read 2. time Amended and passed to 3. reading. Rule suspended - Read 3rd time & passed.
The Senate then adjourned until 7 oclk P. M.

7 oclk P. M.

Senate met - roll called - quorum present.
A Bill to confirm County Land warrant No. 1557 to Andrew Benner for 240 acres of Land - Read 2. time & passed to 3rd reading - Rule suspended Read 3rd time and passed.
Mr. Harcourt introduced a Resolution that no private or local bill shall be called up out of order until bills of a general character shall be disposed of" adopted
A Message from the House informing the Senate of the passage of the following bills.
A Bill concerning the disposal of certain funds therein named. with Amendments: A Bill for relief of Rail Road Companies - Joint Resolution on Confederate affairs
A Bill appropriating money derived from the State revenue for military purposes - Read 2 time. Mr Harcourt moved to postpone to a time certain. (lost) Mr. Crawford of D. moved to lay on table (lost) Mr. Craft moves to postpone consideration until to oclk A.M. to morrow - Mr. Finley moved to lay on table lost. The substitute was then adopted, when Mr. Lea moved to fill blank with $ 2.000.000. Mr. Finley moved 1000.000.00 Mr. Sims offered $500000. Mr. Harkey moves 3rd 000,000 - put and lost. Mr. Lea motion was put & lost - Mr. Mitchell proposed $750000 Mr. Lea 1,000,000 Mr. Shepard $ 800,000 lost - Mr. Lea proposed 1.500,000 Lost. Question on Mr. Lea proposition of 1,000,000 put & carried.

Mr. Beasley moved to amend by inserting after "Specie" the words "Confederate Treasury notes" Mr. Lea proposed to amend Mr. Beasleys motion by adding "except 300000$ in Confederate Treasury notes to be applied to other appropriations" accepted The question was then put and lost. It was then reconsidered. Mr Hartley moved to reconsider the vote adopting the substitute - laid on table - Mr. Finley moved the previous question which refused to sustain it. Mr. Burnett moved to strike out all of the amendments after Treasury notes" Laid on table being moved & refused the question arose on the adoption of the Amendment when a call of the senate was made & sustained, The Senate not being full, the amendments of the House to a bill providing for the disbursement of certain funds therein named were concurred in.

Joint resolution on Confederate relations was refer'd to committee on Confederate relations -

The Senate then adjourned until 10 o'clk A. M. to morrow.

Friday January 10. 1862

Senate met pursuant to adjournment - Prayer by the Chaplain - roll called quorum present. The journal of yesterday was read and adopted.

The Judiciary committee recommended the passage of a bill to incorporate the Texas Red River Mining Company

Mr. Crabb introduced a bill supplemental to an act to provide for auditing and settling claims against the State on acc of volunteers called out by the Governor and committee of safety & Read 1st time rule suspended Read 2. time and ordered to be engrossed - Rule suspended Read 3. time & passed.

The Finance committee recommended the passage of a bill to provide a hospital fund.

A Bill authorizing S. M. Beasley to draw fees due Marshal Bonner and McCain Read 2nd time & passed to 3rd reading - Read 3rd time & passed.

A Bill for relief of Gregoria Simon Read 1 & 2. time and referred to committee on Private Land claims.

A Bill to amend art 721 of code of criminal procedure - amendment of House concurred in

A Bill to allow Margaret Needham to be taken into the Lunatic Asylum - Read 2nd. time & ordered to 3rd reading - Rule suspended Read 3rd time & passed.

A Bill to amend an act prescribing the mode of fixing the liabilities of drawers and endorsers of bills of exchange and promissory notes Read 2. time & ordered to 3rd reading. Rule suspended Read 3rd time & passed

A Bill prohibiting owners or employers of slaves from placing them in charge of farms or stockranches detached or remote from the house or residence of the owner or employer. Read & ordered to be engrossed Rule suspended Read 3d. time and passed.

Mr. Cook offered Joint Resolution commendatory of the conduct of Col John R. Baylor. Read 1. 2. & 3rd. time on suspension of rule and passed.

A Bill to repeal an act authorizing and requiring all forced sales in the county of Nueces to be made at the Ca Retena house in Corpus Christi - Read 2 time & ordered to 3rd reading. Rule suspended Read 3rd time and passed.

A message was received from the House informing the Senate that the following Senate bills had passed. viz.

A Bill to extend the provisions of an act for the incorporation of towns & cities to the town of Sumpter in Trinity county

A Bill for relief of heirs of Charles Clarke

A Bill for relief of Stampon & Hewicks and S. M. Stevenson
A Bill to incorporate the Aransas Salt works Company
A Bill to authorize and require the Comptroller to audit and settle the accounts of Quartermasters appointed for the several Comps of instruction organized by order of the Governor and to authorize said quarter masters to pay over money in their hands.
A Bill for relief of heirs of John White deceased.
A Bill to prescribe what funds may be received for public dues, and that the House had adopted report of Com. of Conference on disagreements upon a bill authorizing unpaid warrants to bear interest and had passed Senates bill making appropriation for mileage & pr. diem pay of members and officers of 9th Legislature also House bill to amend 16th section of an act to provide for assessment & Collection of Taxes appd. Feb 11, 1850.

Mr. Burnetts amendment offered to the bill appropriating money derived from the State Revenue for Military purposes was adopted
Mr. Beasley's amendment was then adopted.
Mr. Gurrin offered the following "Provided that should the funds set apart in this act not be needed for the purposes indicated the board may after retaining a sufficient amount to pay off all the liabilities contracted by them turn over the remainder to the general fund to be disbursed as provided by law" adopted
Mr. Lea offered the following "Sec 3. In addition to the foregoing provisions said Board is hereby authorized to provide for the Military defense of the State by means of any bonds & Coupons which may be in the Treasury on any account and may so use such funds or their proceeds and therefore may sell hypothecate or barter such bonds and coupons provided such disposal shall not exceed the amount of 1,000,000 $. of such bonds & coupons and that they shall not be disposed of at any discount greater than 20 pr. ct. of their face amounts.
Mr. Crawford of D. moved to strike out all relative to disposing of the bonds at a discount. Laid on table. The amendment was then adopted. bill passed to 3rd reading. rule suspended - read 3. time and passed.
Mr. Lea chm of Finance Committee upon the communication of the Governor to the committee referred reported the following resolution which was adopted viz:. Resolved that the Senate duly appreciates the confidential information received from His Excellency The Governor and that his communication be respectfully returned as not necessary to be retained and more appropriate for his future possession"
The committee on Internal Improvements recommended that the Senate concur in House amendments to a bill for relief of Rail road companies - Report adopted Mr Weatherford having been excused from voting.
Senate then adjourned until 3½ oclk P.M.

3½ oclk P. M.

Senate met - roll called - quorum present.
Mr Weatherford introduced a bill making an appropriation for pay of pr. diem & mileage of members and officers of 9th Legislature - Rules suspended read 1st 2nd & 3rd time and passed
A message from the House by their Clerk informing the Senate that the House had passed the following bills in that body.
A Bill to provide for taking testimony by deposition &c &c.
A Bill authorizing Horace Cone to draw the mileage and pr. diem of the late Jno C Walker
House amendments to Senates bill for relief of companies for internal im-

provements were concurred in.

Mr. Swain offered a resolution authorizing the Enrolling Clerk to employ such additional assistance as may be necessary - adopted.

Mr Hartley introduced a Bill to enable the Confederate States to intervene in all suits now pending in the Courts of this State in behalf of any Alien enemy. Read & refered to Judiciary committee

Mr. Lea introduced a Bill to repeal a certain act herein specified. Read 1st 2nd & 3rd time on suspension of the rule and passed.

The vote passing the bill amending an act to ascertain and adjudicate the legal claims for land between the Nueces & Rio Grande rivers was reconsidered whereupon the Senate refused to adopt the amendment of Mr. Lea.

The committee of Conference on the Revenue bill reported sundry amendments & propositions to said bill which being duly considered were adopted

A Bill to provide for a digest of the Laws of Texas - Read 2nd time rule suspended read 3rd time & passed

The committee of Conference on the Bill for relief of W. L. Chalmers reported and recommended that the Senate recede from its substitute for House bill - which report was adopted.

The Committee on Confederate Relations recommended the passage of the joint Resolution on that subject which was made special order for 7 o'clk.

Mr. Beasley offered a Resolution giving the Engroping Clerk additional assistance - adopted.

A Bill to repeal an act providing for funding the debt incurred for the protection of frontier - Read 2nd time, amended - Rule suspended - Read 3rd time and passed.

The committee on Enrolled bills reported the following bills correctly enrolled properly signed and presented to the Governor.

A Bill to create the county of Kendall. A Bill to change the boundaries of Blanco & Kerr counties & Joint Resolution to authorize & require the Adjutant Genl to collect the necessary information to make a register of State Troops &c.

Senate adjourned until 7 o'clk P. M.

7 o'clk P. M.

Senate met: roll called - quorum present.

A Bill providing for taking testimony by deposition &c Read 2nd time amended - rule suspended read 3rd time and passed.

A Bill to fix the salaries of the officers and clerks therein named was taken up Read 2nd time - Mr Hartley offered amendment increasing their salaries from the several amounts fixed in the bill, which was adopted.

Mr. Crawford of J. offered a substitute which was laid on table. After various propositions to amend, calls of the Senate &c. the bill was read 3rd time and passed.

A message from House announced the passage of the following bills - A Bill to repeal certain act therein named A Bill to provide funds for military purposes - Read 1st time Rule suspended Read 2nd time Rule further suspended Read 3rd time & passed.

A Bill to Incorporate the Texas Red River Mining Company - Read 2nd time Rule suspended Read 3rd time & passed by Constitutional Majority.

The passage of the following Bills were reported from the House

A Bill to legalize the acts of Alex. Bird as notary public of Travis County

A Bill for relief of Jarman Carter - A Bill for relief of J. A. Sherman. A Bill prohibiting owners or employers of slaves from placing them in charge of stock ranches &c. &c. A Resolution commendatory of conduct of Lt Col Jno R. Baylor.

Mr. Graham introduced a Bill to authorize the Chf Clerk in Treasurers office to sign the Treasurer name in certain cases - Read 1st time Rule suspended Read 2d time - Rule suspended Read 3rd time & passed.

The committee on enrolled bills reported the following correctly enrolled & properly signed & presented to the Governor

A Bill supplementary to an act creating a Hospital fund.

Joint Resolution commendatory of the conduct of Lt Col Jno R. Baylor.

A Bill prohibiting owners or employers of slaves from placing them in charge of Stock Ranches &c. &c.

A Bill to repeal an act providing for funding the debt contracted for the protection of frontier.

A Bill for relief of heirs of Geo. W. Wilson

A Bill for relief of Preemption settlers

A Bill suspending the collection of money on bail bonds forfeited recognizances &c was indefinitely postponed on the recommendation of the judiciary Committee

The committee on Military affairs reported favorably on the payment of Capt Milton Webbs company.

The finance committee reported upon two bills relative to procuring arms ammunition, and to amend an act authorizing a loan &c whereupon the bills were severally read 3rd time & passed.

A message from the House announced the passage of the following bills A Bill to define & punish sedition. A Bill to require the Amphictyon to rent certain public buildings. A Bill to provide for printing the laws & journals &c

The Judiciary committee reported a substitute for a bill to authorize the Confederate States to become a party to any suit instead of parties who are alien enemies. adopted several amendments thereto having been made the bill was read. 3rd time & passed.

A Bill for relief of heirs of Jas A. Alenson - Read 2d time ordered to be engrossed - Rule suspended Read 3rd time & passed.

A Bill for relief of Geo. W. White - Read 2 time ordered to be engrossed. Rule suspended. Read 3rd time & passed

A Bill requiring the Governor to recover the State arms - Read 2d time Rule suspended Read 3rd time & passed.

A Bill for relief of Jno A. Gill - Read 2nd time & passed & 3rd read &c -

The Senate then adjourned until 10 oclk AM to morrow.

~~Monday~~

Saturday January 11. 1862

Senate met pursuant to adjournment. Prayer by the Chaplain - Roll call: quorum present. Journal of yesterday read and adopted

The Senate refused to concur in amendment of House to bill to regulate the public printing. Messrs Marcomb Scarborough and Crawford of J. were appointed as a committee of Conference.

The vote passing the bill to provide funds for military purposes was re

considered when Mr. Lea offered the following Amendment which was adopted " Any bonds which may be disposed of under the provisions of this act shall be substituted by equal amts of the bonds of the Confederate States of America that may be obtained by this state and the bonds so substituted respectively shall be in all respects in place of the bonds disposed of as aforesaid.

The Judiciary committee returned sundry bills and memorials not acted upon

The House refused to agree to Senates Substitute for bill appropriating money derived from State Revenue. for Military purposes: adopts report of Committee of Conference on Revenue Bill - passed Senate bill amendatory of act to regulate the public printing.

Messrs Lea Kelley & Parsons were appointed Committee of Reference on first named bill.

The committee on Internal Improvement reported adversely to a bill to amend an act to Incorporate the East Texas Rail Road Company. and recommended the passage of a bill amendatory of an act to incorporate the Trinity valley Rail Road company

The committee on Enrolled Bills reported the following Correctly enrolled, properly signed and presented to the Governor

A Bill for relief of heirs of John White. A Bill to extend the provisions of an act providing for the incorporation of towns and cities to the town of Sumpter in Trinity County. A Bill for relief of heirs of Chs. Clarke, A Bill for relief of certain Rail Road companies A Bill concerning the disposal of certain funds therein described. A Bill to Incorporate the Aransas Salt work company. A Bill authorizing Comptroller to audit & settle accounts of several Clerks of District &c A Bill to amend Art 7 of Code of Criminal procedure A Bill for relief of Simpson & Kenrick & Sn Sweney, A Bill providing what kind of funds may be received for Government dues, A Bill making an appropriation for mileage & per diem pay of members of 9th Legislature.

The Judiciary committee asked to be discharged from further consideration of a Bill to provide for issuing duplicate and original bounty land warrants &c &c.

A Bill for relief of James P. Gill - read third time & passed

A Bill to provide for issuing duplicate and original bounty land warrants &c was taken up Read 2nd time and postponed until 3½ oclk P.M.

Mr Harcourt made the following report: "The joint committee of the two Houses to whom was referred the Joint Resolution instructing our Senators and Representatives in the Confederate Congress to exert their influence in the passage of a Law making Confederate Treasury notes a legal tender have had the same under consideration and are of opinion that the Resolution should not pass"

The vote concurring in the House amendment to a Bill to create a Hospital fund was reconsidered and the amendments refused.

A Bill to incorporate the Texas Red River Company with amendment from the House - amendment concurred in.

Mr Lea introduced a bill to regulate funding in loan bonds. Read 1st time Rule suspended Read 2 time Rule further suspended - read 3rd time & passed.

A Bill to repeal a certain act in this act specified - Read 1st time Rule suspended Read 2nd time Rule further suspended Read 3rd time & passed.

A Bill providing for pay of Capt Milton Webbs company - Read 2nd time Rule suspended Read 3rd time. passed.

Mr Gurley introduced a Bill to prescribe the duties of Commissioner of the Genl Land office in certain Cases Read 1st time Rule suspended. Read 2nd time Rule sus. read 3rd time & passed

A Bill for relief of Wm B. Green Read 2nd time and ordered to 3rd reading Rule suspended Read 3rd time and lost by a vote of 14 nays to 12 yeas.

House agrees to Senate amendments to a Bill for relief of Jno P. Gill. a bill to fix the salaries of Officers & clerks therein named. a Bill amendatory of act to provide for a Coan and have passed Bill to authorize Clerk in Treasury Office to sign the name of Treasurer in certain cases. & a Bill to authorize D. M. Flannegan and his associates to construct a bridge across Sabine River.

The number of Miles claimed by the respective senators are as follows

Mr Batte.	750 miles,	Mr Bedeler	700 miles,	Mr Boyd	300 miles
Branch	360	Burnett	500	Casey	700
Cook	1600	Crawford of Ft.	700	Crawford of	600
Dalton	120	Dickson	500	Dumont	430
Craft	220	Finley	340	Graham	550
Gurrin	525	Harcourt	230	Hartley	500
Houston	120	Jordan	360	Lea	250
Mitchell	160	Moore	800	Obenchain	460
Parsons	600	Reed	240	Scarborough	1000
Selman	600	Shelley	none	Shepard	200
Weatherford	425	Wheeler	600		

Mr Casey offered a Resolution giving the Senate Chamber in charge of the Secretary during the vacation of Senate and giving him two porters for 2 days after adjournment adopted.

The Military Committee reported a Bill for relief of Capt Ballow, company and Capt J J Woods Company without amendment for the action of the Senate. The bill was taken up and Mr Weatherford offered the following amendment "Provided that the Comptroller shall audit the claims of Capt Jos J Woods Company officers and privates for 36 days services in going to San Antonio under a call of Governor Lubbock" adopted and Bill ordered to 3rd reading. Rule suspended Read 3rd time and ~~passed~~ Senate adjourned until 3 o'clk P. M.

3 o'clk P. M.

Senate met. roll called Quorum present

A motion to lay the bill under consideration on the table was negatived by a vote of 13 nays to 11 yeas.

Mr Hartley offered the following amendment. "and all other men who joined any of the expeditions or was present participating in any of the military movements for the capture of the U.S. forces in this state and the ports arms munitions of war and other property of the U.S. within the territory of Texas in obedience to a call from the properly authorized officer of the Government of the State of Texas"

Mr Harcourt moved to indefinitely postpone the bill - lost.

A call of the Senate was made sustained and the Senate not being full A Bill to provide for the organization of the Lunatic Asylum was taken up. Read 2nd time rule suspended Read 3rd time & passed.

The following reports were presented and read to wit: Report of Majority.

To the Speaker of the House of Representatives and President of the Senate.

The joint committee appointed by the two Houses have had under consideration the facts and circumstances contained in and connected with the late Veto message of the Governor and beg leave to report: That certain statements in said Veto

message are in the opinion of the Committee very well calculated to make improper impressions on the public mind and place the Legislature in a wrong position. The bill which the Governor saw proper to veto in its first section appropriates the sum of Eight thousand Dollars or so much thereof as may be necessary to the payment of the members and officers of the 9th Legislature. Yet the Governor in his message so states the matter as to make the impression that the Legislature had made an absolute appropriation of Eight thousand Dollars for the purpose above stated. The Governor certainly well knew that it was impossible for the Legislature to know exactly what sum it would require to pay the members and officers and that the Clerks of each House could alone know after the Legislature had adjourned by counting the number of days which each member had served and the number of miles travelled by each in coming to and returning from the seat of Government, and that being true the appropriation had to be made in the form in which it was made and it depended altogether upon how long the Legislature might remain in session whether it would require one fourth one half or the whole of said sum and yet in the Veto Message it is so stated as to leave the impression that the said sum would be taken anyhow. Again, it seems to your committee that the impression which would naturally be made upon reading the said message would be that this 9th Legislature had so far as certain funds are concerned acted not only without precedent but actuated by supreme selfishness had trampled upon the rights of unprotected minors and orphans.

Your committee find that the 8th Legislature did in the month of January last by an act approved by the then Governor appropriate the sum of Nine thousand seven hundred and sixty eight Dollars and 62 cents it being the proceeds of the sale of University Lands then in the Treasury and also the sum of seventeen thousand three hundred and thirteen dollars and 30 Cents it being the fund accumulated from the estates of deceased persons then in the Treasury to the payment of Mileage and per diem of members of said Legislature. These two large amounts were then and thus appropriated upwards of Nine thousand from one and over Seventeen thousand from the other fund and that as recently as last January while the Governor might have known and perhaps did know from information given him that the fund appropriated by the bill which he vetoed from the sale of the University Lands was only one thousand two hundred and twenty dollars and the amount arising from estates of deceased persons was only one hundred and fifty nine dollars and 84 cents rather small game your committee think to call forth such a heavy discharge of Artillery.

As to outraging the rights of unprotected orphans and minors your committee would say that the fund arising from the estates of deceased persons cannot reach the State Treasury in a considerable lapse of time after the death of the owner after a proper qualification on such estate and after advertising in the newspapers calling upon all persons whether creditors or heirs to come forward and claim such estate and when after the proper time has transpired and no owner comes to claim said estate then and not till then can it be paid into the Treasury and when so paid in it becomes subject to appropriation by the Legislature. The State it is true still holding itself bound to account to the heirs who may by suit in the proper court in the County where said administration was opened prove themselves the rightful heirs to such estate but such judgment can as well be paid out of any of the funds in the Treasury not otherwise appropriated as out of the funds arising from said estate. And so far as the fund arising from the sale of University Land is concerned your committee would state, the funds thus accruing have been before and may be again appropriated to ordinary pur

poses of Legislation. But to avoid all difficulty on the subject the bill which the Governor vetoed required the Treasurer of the state to place in the room and stead of the funds so applied the bonds of the state for a like amount thus making the State debtor to these new funds for the identical sums so withdrawn. Now if the Governor regards the state of Texas as honest and solvent then these funds were made perfectly safe but if the state be dishonest and insolvent then they were irretrievably lost.

School funds much more sacred really guarded by provisions of the Constitution have been lent to Rail Road Companies and why might not the state borrow money lying idle in the Treasury so that it might be put in circulation among the people? But then the Governor asks in his message who is to draw these bonds? to whom are they to be made payable? How much interest if any are they to bear? The Answer to all these questions is. The bill provides that the State Treasurer is to make the bonds, the bonds were to be made payable to the same parties to whom the funds withdrawn were payable and as to interest the Governor surely knows that money lying idle in the Treasury does not bear interest neither should the state bonds given therefor bear interest.

But again as the Rail Road sinking fund which has been not by the Constitution but by act of the Legislature appropriated to school purposes now if by an act of the Legislature it was thus appropriated it will be at once seen that by another act it might be otherwise applied and it should be remembered that the same act which appropriates the fund forbids it to be distributed among the counties and requires it to remain in the Treasury for investment not being a part of the school funds guarded by the Constitution it is misnamed by the Governor when he speaks of it as the sacred fund. Again it seems from the message that the Governor had learned from unofficial source that the bills was hastily passed through the Legislature without being referred to Committee. If Lt Gov Kelleney will in official documents make statements drawn from unofficial source he should at least try to get the information from truthful and well informed sources. The Journals of the House show that the whole subject of mileage and per diem was refered to select Committee of the House of which Lt Price was chairman to be considered of and reported upon and that the bill vetoed by the Governor was prepared by the Committee and reported to the House, and the journals of the Senate show that the Bill when received by the Senate was referred to the Finance Committee of which Pryor Lea was chairman, of the standing Committees of that body by them acted upon reported back to the Senate and passed. These being the facts it will be clearly seen that the information which the Governor based the charge of hasty legislation upon was either not truthful or he was not well informed. The House had before passing this bill, passed one making all Treasury warrants receivable for all Taxes and all state dues, and the provisions of the bill which was vetoed was in exactly the same language of the bill already passed Now then could the Governor say that the members of the Legislature had provided to pay themselves in better state paper than others were to be paid in? It may be answered that this bill making all state warrants receivable for taxes &c. had not reached the hands of the Governor and that he could not therefor know of its existence but then it seems from the message that the Governor not only has unofficial information of what the Legislature is doing but bases in part his action upon such information. Through this same source he might and ought to have learned that the House had passed a bill putting all upon the same footing and thus have saved the Legislature from the cutting and unwarranted imputation.

The bill which the Governor vetoed would if it had become a law have given the members and officers some fifty or forty dollars apiece in money and the balance in State Treasury warrants or drafts in the assessors and collectors of their respective counties. The board and necessary expenses of the most economical members would have been much more than the amt. of money they received including the 20$ already received.

The whole amount of money which would have been appropriated by the bill was $8402.95 cents and not 80,000$ as might be thought from the veto. As to drafts on the assessors and collectors of the different counties the Governor had already sanctioned that plan by approving a bill paying the presidential electors who came to Austin to cast the vote of the state and to which the Governor in the message does not object.

The committee are unwilling to believe that the Governor intended to place the Legislature in a wrong position or false light but they think that such will be the effect of the veto message which is now published to the world, and therefore recommend that this report be entered upon the journals of each house and that the Houston Telegraph Galveston News The Civilian Gazette and other papers in this state be requested to publish it, all of which is respectfully submitted

L. F. Price Chairman H.C.
Z. Hunt
J. Danby
D. McStell
A. S. Broaddus
D. McDurant Chm S. C.
I. K. Parsons

Minority Report.

Committee Room Jan 9. 1862

Hon J. M. Crockett Pres. Senate and
Hon N. H. Darnell Speaker H. of R.

By a resolution adopted at the present session a joint committee of the Senate and House of Representatives was appointed to consider of and report the facts in relation to the veto by His Excellency Gov Lubbock of the bill to pay the members and officers of the Legislature the mileage and per diem.

The undersigned minority of such committee respectfully protest against the action of the Legislature in the premises believing it unnecessary and uncalled for and contrary to the genius and policy of our republican government. The action of the Governor has undergone the investigation prescribed by the Constitution - his veto has been considered by the two Houses, - their voice united with his in opposing the measure and thus it was defeated in the very mode prescribed by the Magna Carta of our liberties. And we would say with all due deference to the voice of the majority that the whole subject upon as the bill and veto are concerned ought to have rested here. But obeying the authority of the Houses we have considered the subject of the resolution and exceedingly regret that we are called upon to differ with the majority of the committee composed of gentlemen of equally honest motives and of superior ability to ourselves. Had the committee simply inquired into and reported the facts as we think was evidently the intent and purpose of the resolution and not endeavored to support the result of their investigation by an elaborate argument we doubt not that the committee could have entirely agreed And we hope it will not be considered out of place for us to state that the undersigned were willing to this course and proposed to report the facts as they

actually existed without note or comment. If the message did the Legislature injustice by incorrect statements we are sure its author would cheerfully acquiesce in the correction. And while we accord to the majority the right to differ with us as to the proper course to be pursued and agree that the facts stated by the majority are in the main correct yet the statement is accompanied by such argument and couched in such language that we feel constrained to withhold our endorsement of this report. What harm could possibly result to the Legislature by a simple statement of facts? Truth is generally the more readily seen and more highly appreciated when presented in simple garb, and the effort to support it by skillful and ingenious arguments leads us to suspect that those presenting the arguments are not entirely satisfied with their position or else they believe others have not the capacity to appreciate the truth without the aid of argument.

It is admitted by the entire committee that His Excellency did not intend to do injustice to the Legislature and of his language was calculated to do what was not intended certainly a statement of facts was all that was necessary. If the Governor used expressions or arguments in his message in which we could not concur it was certainly his prerogative to do so. The constitution makes it his duty to veto measures under certain circumstances and to return the measure vetoed together with his reasons therefor to the House in which it originated. Shall the Legislature dictate to the Executive what reasons he shall assign or what words he shall use in exercising the powers conferred upon him? The two branches of the Legislature in the discussion of subjects use such weapons in advocating or opposing them as seem best and certainly we do not dictate to each other herein. The Executive is a coordinate department and a part of the Legislative power; and if he withholds from our acts his sanction necessary to give them validity, is he not allowed to present in respectful terms his reasons for dissenting?

The arguments by the majority of the committee are such as were used in opposition to the veto message and some at least of the reasons given in the veto are those used by the opponents of the bills. Hence we trust we will be pardoned if we state the facts and circumstances of the matter.

The act says that $80000 or as much thereof as may be necessary shall be appropriated to the payment of the officers and members of the 9th Legislature. The majority complain that the message did not quote the words "or as much thereof as may be necessary" and that without the use of those words the public would infer that we would use the entire sum. Have the majority concluded that the common people have no sense and that they are unable to comprehend the idea that although we might appropriate that sum we could not use it unless our dues amounted to it. The Executive doubtless gave the people credit for their comprehension and hence did not think it necessary to quote the precise words of that part of the act to which he made no objection. What sort of funds does the act appropriate to ourselves? First we lay hold upon money derived from sale of University lands, funds provided by the Legislature for the free education of the children of the country. Secondly the act takes money from the estates of decedents, when these funds are liable to be called for at any moment. Judgments are now in force against the state Treasurer for a portion of these very funds and we are informed by that official that there are about six applications annually by those entitled, and are of course liable to be made at any time. Escheated property is much in the same condition and this and the last named belong doubtless in many cases to minors and orphans. We know that the law sets apart these two funds and provides the method for the claimants to reach them and being advised that applications have in the past been made and that there are

judgments now against those funds are we not safe in saying that a portion of them at least may soon be claimed.

But the majority say that the act provides for supplying the funds so drawn and that the Govr error ought not to intimate that the state paper so supplied is of less value than the cash. Suppose that the state paper is not equal to cash does not this act take the currency and supply its place with another that is depreciated? But waiving the question as to the value of State paper we would ask the majority of the committee why do they propose to take cash that belongs to others and supply its place with state bonds if the latter are equal to cash?. Why don't we take the bonds at once and save the circumlocution? The reason is obvious.

As to the sinking fund we would say that by act of Jan 31. 1854 two millions of dollars of the 5 per ct United States bonds are set apart as a special school fund and the interest thereon was to be appropriated to common schools. By the act of 13 August 1856 this special fund was to be loaned to Rail Road Companies and two per ct interest thereon to be paid annually and this interest constituted the sinking fund to be applied towards the payment of the loan at its maturity so constituting the sinking fund to be credited to the roads. Then by act of Feb. 13. 1860 this sinking fund so paid by the roads was by their consent to be entered as credits on their bonds and to go in extinguishment of so much of the bonds and interest of two per ct. and its accumulations were to be placed as a credit to the special school fund. The Roads have, many of them given their consent and thus this sinking fund has become part and parcel of the special school fund.

By act of Aug. 29. 1856 this special school fund and the general fund derived from one tenth of the annual taxes are declared to be one. Then by sec 2 Art 10 of the Constitution it is provided that this general fund shall be appropriated to the support of free public schools and no law shall ever be made diverting said fund to any other use. If the General fund is thus sacred and the sinking fund which is the special school fund is made the same as the General fund – the loan made on – is not the sinking fund became sacred as the general school fund is? But the 5 per cent bill provides that we may take drafts on the assessors & collectors of the various counties It is known that by this we could possibly get gold & silver for our pay. Then if we are allowed to seize the funds designated constituting the whole of the special except the general school fund now in the Treasury after having already drawn $ 86.95 each and to take drafts on assessors & collectors which are or possibly soon would be equivalent to cash would we not be taking from the vaults of the Treasury every dollar (save the General school fund) now there as well as stop some in the hands of assessors & Collectors? And this too at a time when no remittances of war can be had except for specie.

Our brave soldiers must be fed clothed and paid in paper currency while we take gold & silver. Does not sound policy dictate that some money should be left in the Treasury to meet emergencies in this dark and perilous hour of our country's history? Should we take Treasury warrants for pay and make them receivable for taxes and other state dues while there is no law giving others the privilege? Is it not placing ourselves in a more favorable position than other holders of these claims? But the majority say that a bill had already passed the House making these warrants in the hands of holders so receivable. This is true – but are we to say that because a measure passes the House it must of necessity become a law? This measure has been hanging in very great doubt for a long time and never met the concurrence of both Houses until the last day or two. What would be our condition or that of the state if the Executive shaped his course invariably by the action of the House of Representatives without knowing the determination of the Senate. The effect though not intended was to favor ourselves and the message expressly declares that our intention was good though the course

quence was had. Was our action hasty? At this point the facts are that on the 18th Dec. a bill was introduced on the subject by the gentleman from Burleson (Mr. Broaddus) From an examination of the House journal as well as from the recollection of members this took place just before adjournment for dinner read 1st time Rule suspended read 2nd time. The gentleman from Smith (Mr. Hays) offered a substitute and moved that the bill and substitute be referred to Finance committee - Lost. Mr. Bragg then moved to amend by providing that no portion of the funds known as the school fund (including the sinking fund) shall be paid out under the provisions of this act. It was then moved that the bill and amendments be referred to a select committee - adopted. Immediately after dinner the committee reported - rule was suspended the bill read third time & passed.

The Executive was doubtless misled by the engrossed bill in the State Department to which he would naturally go knowing it was usual to endorse on the bill the steps taken in its passage. The engrossed bill through inadvertence does not show that the bill ever went to committee

The Executive addresses the House and says that so far as he could learn it was passed through that body under the suspension of the rules without reference to a committee. While he was mistaken as to one fact he was correct in the general declaration that the bill was passed hastily. There being no money in the Treasury except the General school fund & the sums appropriated by this bill is it not clear from the foregoing statements and facts that the effect of our action was to exhaust the Treasury, and favor ourselves by making our warrants receivable for taxes when there was no law giving the like privilege to others? But the majority say we have the former Legislature for a precedent. This is true but admitting for argument that that Legislature acted rightly what is expedient at one time is not necessarily so at another. We were not then as now surrounded and threatened on every hand by a relentless foe. who knows

"No sweeter music than a dying groan
Nor lovelier object than a gasping babe"

He knows not. Then that we would need every dollar to purchase munitions of war to repel an enemies But that is no apology. The question is was it right and expedient for us to take those funds under the circumstances? If the former Legislature did a wrong act if wrong it was we must not resort to that as a subterfuge and attempt to sanctify a wrong by the action of a grave and responsible body of legislators. We came not here to vindicate the Executive. He needs no vindication at our hands. But we feel that we who voted against the bill should be heard in reply to the ingenious arguments of the majority. We regret that any action has been had upon this matter. Two departments of Government have been brought in conflict. Each has acted up to the time of the final action on the veto within the bounds prescribed by the Constitution. Each has doubtless acted from conscientious motives and with a hope of promoting the best interests of our beloved Country. If the Executive thought the bill wrong and detrimental to the interests of the people it was his right & duty to exercise the power given him. If two thirds of both Houses thought his action wrong it was in their power to pass the bill but if the Constitutional minority thought the bill wrong they had the power to prevent the bills from passing. Thus we are all guarded The veto power was wisely given to the Executive in order that unwise or hasty Legislation might be checked. It is a power that has been exercised by our wisest statesman. We must expect diversity of sentiment in a country like ours. President Jackson in his veto upon the Maysville & Lexington bill says that diversity of sentiment among public functionaries actuated by the same general

motives or the character and tendency of particular measures is an incident common to all governments and the most to be expected in one which like ours owes its existence to the freedom of opinion, and must be upheld by the same influence. Controlled as we thus are by a higher tribunal before which our respective acts will be canvassed with the indulgence due to the imperfections of our nature and with the intelligence and unbiassed judgment which are the true correctives of error all that our responsibility demands is that the public good shall be the measure of our views dictating alike their frank expression and honest maintenance."

Mr Tyler in his second bank veto says that "the qualified veto with which the Chief Magistrate was invested should be regarded and was intended by the wise man who made it a part of the Constitution as a great conservative system principle in our system without the exercise of which on important occasions a mere representative majority might urge the government in its legislation beyond the limits fixed by its powers or might exert its just powers too hastily or unadvisedly."

We trust that all parties will let this subject rest. It is one on which we might very reasonably and honestly differ. If the Executive has unintentionally wronged no we are satisfied that he will gladly have the correction made. And if we are conscious of having done our duty faithfully we need not doubt that an honest and intelligent people will sustain us. We care not what disposition is made of these two reports but ask of the two Houses if one by their action is made a record the other may receive like treatment. Justice to all parties demands that both sides be heard

Geo B Erath
one of Senates Committee
Geo D. Manson
Frank C Williams
on part of H of R.

The majority report was adopted by the following vote.
Yeas Messrs Beasley Burnett Casey Cook, Crawford, Durant Finley Graham Jordan Mitchell Moore Parsons Scarborough & Weatherford 14
Nays. Messrs Boyd Branch, Crawford Erath Gurrin Harcourt Houston Lea Obenchain Reed Shelley Shepard & Wheeler 13.

A message was received announcing the passage by the House of the following bills
A Bill for relief of the Texas and New Orleans rail road company
A Bill to repeal an act for the funding of the debt contracted for the protection of the Frontier
A Bill for relief of Robert R. Scott
A Bill to amend an act to establish a penal code for the State of Texas
A Bill to allow the citizens of Texas free use of the palmes on Padre Island
A Bill to compel the owners of grants of land on Padre Island to have the same recorded.
A Bill amending the act to provide for the assessment & collection of Taxes
Read 2nd time ordered to 3rd reading Rule suspended Read 3rd time & passed.
A Bill to authorize the Superintendent of the Lunatic Asylum to receive Minerva Jo Hannin therein. Read 2nd time substitute from committee on St Affairs laid on table and bill ordered to 3rd reading — Rule suspended Read 3rd time and passed.
A Bill to provide funds for military purposes. The Senate adhered to its amendment & appointed Messrs Lea, Shelley & Parsons a committee of conference.
Messrs Hartley Harcourt & Gurrin were appointed a committee of conference on the disagreement upon a bill providing a Hospital fund for Texas soldiers &c.

The committee on Engrossed Bills reported the following correctly engrossed.
A Bill to incorporate the Texas Rice mnfc company. A bill to authorize the Treasurer clerk to sign the Treasurers name in certain cases.
The senate then adjourned until 7 oclock P. M.

7 oclk P. M.

Senate met. roll called - quorum present.
A Bill for relief of D. Cooper Read 1st time. Rule suspended Read 2 time rule further suspended read 3rd time & passed.
A Bill for relief of certain persons hereinafter named. Read 2nd time ordered to 3rd reading Rule suspended Read 3rd time & passed.
A Bill to provide for the perpetuation of Testimony &c &c. Read 2nd time ordered to be engrossed. Rule suspended Read 3rd time & passed.
A Message from the House announcing the passage of the following bills
A Bill changing the time of holding courts in the 9th Judicial district - A Bill for the support of the government for the years 1862 & 1863.
Mr. Rice made the following report. The joint committee for free Conference on a Bill appropriating money from the State revenue for military purposes and the Senates substitute therefor to wit A Bill to appropriate funds for military purposes has duly performed the duty assigned to it. They respectfully recommend the adoption of a substitute which is herewith presented for the substitute which the Senate adopted and its passage.
Mr. Shelley offered the following resolution which was adopted. Resolved that 500 copies of the report of the committee on Finance be printed for the use of the Senate to be paid for out of the Contingent fund and that the Secretary of the Senate be required to mail to each Senator his portion of said copies.
Mr. Rice chm. of committee of Conference made a report on a Bill to provide funds for military purposes and recommended the adoption of the Senates amendment with the following addition "But in case which Confederate State bonds should not be received by the State in amount sufficient to be substituted for the bonds which may be disposed of as aforesaid to the whole extent then as to any deficiency the amount of any bonds and coupons that may be drawn from the Treasury under the provision of this act shall stand as a charge against the state in favor of the Special school fund with 8 pr. ct pr an. interest thereon and shall hereafter be reimbursed to said fund out of any money that may come into the Treasury not otherwise appropriated"
Mr. Erath offered the following resolution which was adopted. 'Resolved that the Secretary be required to forward the letters and documents which may arrive here after the adjournment of the Senate to the respective members and the same be paid for out of the Contingent fund.'
The vote refusing to pass the Bill for relief of Wm B Green was reconsidered Bill passed.
The committee on Enrolled bills reported the following correctly enrolled, properly signed and presented to the Governor;
A Bill to authorize Jas. M. Flanagan and his associates to construct a bridge across Sabine River
A Bill to authorize the Chf Clk in Treasurers office to sign the Treasurers name in certain Cases.
A Bill to amend the 4 and to repeal the 6. section of an act to regulate the public printing
A Bill for relief of Texas R. O. rail road Company.

A Bill to incorporate the Texas Lead mine company.
A Bill to provide for funding the debt contracted for the protection of the frontier.
A Bill for relief of heirs of Jas. H. Denson
A Bill for relief of F. A. Sherman
A Bill to repeal a certain act herein specified
A Bill for relief of Jarman Carter
A Bill to legalize the acts of Alex. Birdsong Notary public for Panola County
A Bill prohibiting owners or employers of slaves from placing them in charge of farms &c detached from home of owner or employer.
A Bill to provide arms and ammunition for the military defence of the state.
A Bill for relief of Companies incorporated for purposes of internal improvement
A Bill changing the time of holding courts in the 9th Judicial district
A Bill to enable the Confederate States to intervene in certain cases &c.
A Bill for relief of Robert R. Scott

The committee of conference on the Bill to create a hospital fund reported the adoption of House amendments with an additional proviso.

A Bill for relief of John Henderson. Read 2nd time and passed to 3rd reading Rule suspended Read 3rd time & passed.

The following bills were reported as having passed the House,
A Bill to provide for the perpetuation of testimony &c
A Bill to suspend the statute of limitation &c. House also adopts reports of Com of Conference on the bills appropriating money for military purposes
A Bill to protect public property. Read 2nd time ordered to 3rd reading, Rule suspended Read 3rd time & passed.
A Bill, making appropriation for the support of the Government for 1862 & 1863. Read 1st time Rule suspended Read 2 time.

Mr. Weatherford moved to strike out the appropriation of 3000$ for boring the Artesian Well. lost by a vote of 6 to 22
Mr. Swisher moved to strike on "3" before "Clerks" and insert "1" to strike out "2700" and insert "900" adopted Rule suspended Read 3rd time & passed.

The bill making appropriations to supply deficiencies was reported from the House. Read 1st time Rule suspended Read 2. time rule further suspended Read 3rd time & passed.

A Bill to authorize the Cancellation of Patents in Certain Cases was rejected as recommended by committee.

A Bill for relief of Gregoria Guerrero Read 2nd time ordered to 3rd Reading Rule suspended Read 3rd time & passed.

Mr. Crabb offered the following resolution which was adopted. Resolved that the thanks of the Senate be tendered to the Hon Geo M. Crockett for the able and impartial manner in which he has presided over the Senate.

The committee of conference on a Bill to provide for printing the laws & journals reported that they were unable to agree and asked to be discharged.

A Bill granting 80 acres of land to the Carrizo Creek School - Read 2. time and laid on table.

Mr. Weatherford offered a resolution of thanks to Hon R. M Guerrero for the able and impartial discharge of the duties of Pres. Pro Tem. adopted.

The committee on Military affairs reported adversely on a Resolution for the purchase of powder.

The House refuse to concur in Senate amendments to the General appropriation bill whereupon the Senate receded

A Joint Resolution to distribute arms to the members of the Legislature was lost on its

engrossment.

A Bill to punish speculation in certain cases. Read 2. time & passed to 3rd reading Rule suspended - Read 3rd time & passed.

The House adopted report of Com. of Conference on the bill to regulate public printing and appointed Messrs Kinder, Palmer, Abney, Elmore & Mills a 2nd Conference Committee whereupon a like committee was appointed on the part of the Senate

A Joint Resolution relative to the sale of Oldham & Whites digest - Read 2nd time Rule suspended Read 3rd time & passed.

A Bill incorporating the Fort Bend manufacturing company Read 2nd time Rule suspended Read 3rd time and passed by Constitutional Majority

A Bill authorizing the County court of Montague county to have the minutes of the District Court transcribed - Read 2nd time Rule suspended Read 3rd time & passed.

Messrs Erath, Harcourt & Burnett were appointed a committee to inform the Governor that the Legislature was about to adjourn sine die who retired and performed that duty and reported that His Excelleney had no further communication to make.

A Bill for relief of Preemption settlers - Read 2. time. Rule suspended Read 3rd time & passed.

The committee of Conference No 2. on the bill to regulate public printing reported an agreement. report adopted.

The following communication received this morning from the Governor was read.

"Gentlemen of the Senate

& House of Representatives,

I am again called upon to convey to you the melancholy intelligence of the death of another distinguished citizen of the State of Texas.

The Hon John Hemphill one of our members to the provisional congress of the Confederate States is dead. He departed this life on the 4th day of the present month at the city of Richmond where he was engaged in the active discharge of his duties.

The deceased was one of our most distinguished and worthy citizens - an incorruptible judge a wise statesman and as such was honored and trusted with the dearest and most vital interests of the state

The loss of his wise and mature counsel in these perilous troublous times, will be severely felt when we so much need the entire wisdom and patriotism of the land to successfully carry our country through her present difficulties.

John Hemphill was a patriot. Like the Roman Sentinel he died at his post. The country mourns his untimely death and her great loss.

I am gentlemen Very Respectfully
F. R. Lubbock

Whereupon Mr. Durant offered the following resolutions

"Whereas the Senate has this moment learned by message from the Governor the death of the Hon John Hemphill late representative in the provisional Congress of the Confederate States of America. and

Whereas the Senate most deeply deplores this dispensation of divine providence and would in solemn reverence bow to its inscrutable demands yet we cannot forget that one of our noblest sons has fallen and Whereas it is right and proper and is a time honored privilege to commemorate the memory of him who when living moving and acting

did in all things Contribute by his time labor and intellect to the building up and establishing our institutions as they are: and in the front ranks, for the support of which he has fallen and is now no more

Therefore be it resolved That the Senate now in session recognize in the death of the Hon John Memphill an irreparable loss - one whose whole life among us as a patriot jurist or statesman has been unreservedly devoted to the building up and maintenance of our institutions so that in all things they conduce and conform to the great principles of Constitutional liberty and equality

Resolved further That as a patriot a jurist a scholar or statesman we revere and cherish his memory and as a fit and proper testimonial of respect and his worth the foregoing be spread upon the journals of the Senate And that we now adjourn"

Unanimously adopted.

Monday January 13. 1862

Senate met - roll called - quorum present. Journal of Yesterday read and adopted.

Mr. Gunnin offered a resolution rescinding the resolution to adjourn sine die Monday 13th inst and fixing Wednesday 15th inst at 8 oclk A.M. - The resolution was taken up for action Mr Crawford of J moved to strike out Wednesday 15th inst and insert Tuesday 14th inst. dost. The resolution was then adopted

A committee on Enrolled bills reported the following correctly enrolled, properly signed and presented to the Governor

A Bill to suspend the statute of limitations &c &c

A Bill prescribing the duties of Commissioner of the General Land office in certain Cases.

A Bill to authorize and regulate funding in loan bonds.

A Bill providing for the perpetuation of testimony &c

A Joint resolution on public printing being reported from the House it was taken up read 1st 2d & 3d time on suspension of the rule and passed.

A Bill for relief of Levi T. Lawler Rule suspended Read 1. 2. & 3 time & passed

Mr. Graham offered a resolution that the Senate entertain no private or local bill during the remainder of the session - adopted on suspension of rule.

Mr Shelley introduced a Bill supplementary to the general appropriation bill. Read 1 & 2. time and refrd to finance committee

The House amended the adjournment resolution by striking out Wednesday 15th inst and inserting Tuesday 14th inst which was concurred in.

The resolution on public printing was reconsidered and it was referred to Judiciary committee

The Senate then adjourned until 3 oclk P.M.

3 oclk P.M.

Senate met - roll called - quorum present -

Mr. Rea chmn. of Com on Finance reported and recommended the adoption of a substitute for a bill supplementary to the general appropriation bill taken up adopted and ordered to be engrossed. Rule suspended - Read 3rd time and passed.

The Judiciary committee recommended the passage of the Joint Resolution on public printing - taken up read 3rd time & passed -

The following bills were reported as having passed the House.
A Bill for relief of Preemption settlers.
A Bill to provide for contingent services in the Comptrollers office
A Bill supplemental to an act to provide for settling all claims against the State on a/c of Volunteer Companies called out &c
A Bill to repeal a certain act specified in this act.
A Bill to authorize D. C. Crawford to use the water in Lena River &c Read 1 2. & 3. times on suspension of rule & passed
The Senate then adjourned until to morrow morning at 9 oclk.

Tuesday Jan 14. 1862

Senate met roll called - quorum present. Journal of yesterday was read and adopted.

The committee on Enrolled bills reported the following
A Bill supplemental to an act to provide for auditing and settling all claims against the State &c.
A Bill for relief of Preemption settlers
A Bill for relief of Elias Cassells
A Bill to repeal a certain act therein specified
A Bill to provide for contingent services in Comptrollers office

Messrs Scarborough Batte & Erath were appointed a committee to wait on the House & inform them that the Senate was ready to adjourn who retired and afterwards reported duty performed.

A committee from the House informed the Senate that that body was ready to adjourn sine die

The following address was then read by the President.

Gentlemen:

At this it is pleasant to know and feel that our labors here for the present are over and that we are prepared to take our leave of this Capital, and the Capitol city, for the pleasures of home, to meet the loved ones and enjoy the social relations of private life, yet there is a degree of regret at our seperation, that all the buoyancy of anticipations cannot dispel.

We have been laboring in the councils of the State; the weal or woe of the institutions of the government under which we delight to live and of which we boast have for the time been entrusted to our hands. The legislation has been of the most important character. The country involved in a humiliating contest with a brutal enemy - all commercial relations and operations suspended, it has devolved upon you together with the other branch of the Legislature to make such provisions as would secure both men and means for actual defence while the suffering interests of the Civil departments were calling loudly for your consideration.

What you have done, and how well your action will be adapted to the great emergencies which you have attempted to meet will not in view of the extraordinary circumstances be hastily passed upon by your constituents. A wise and generous people will suspend their judgments until they fully understand the design of each measure and its practical effects.

I have been a witness of your efforts, and have had the fairest opportunity of discovering the sentiments that have prompted your actions and am most happy to state that there has been manifested on all occasions the fairest design to promote the best interests of the country.

I regret that my social intercourse with you has not been such as I desired, & have

not had the pleasure and profit of your society that I had expected This has been partly owing to the great weight of business that has been constantly forced upon your attention and about which I have felt the deepest solicitude and partly to the want of convenient and commodious boarding-houses and places of pleasant resort for recreation: I would not disparage the boarding houses - they have given us the kindest attention and the best fare the country affords. but I may be permitted to say that if we could have all been situated nearer the Capitol with saloons and dining rooms equal to our number and tastes we would have been happier and busier.

Gentlemen Senators and officers: Allow me to tender to you my grateful acknowledgements for the respect you have shown me, and to thank you most profoundly for your indulgence and kind consideration of my humble efforts to discharge the duties that have devolved upon me. I am fully sensible of my poor qualifications for the position, and but for your generous disposition should have been often greatly embarrassed. The good sense and cultivated taste that has prompted the polite and courteous bearing that you have held towards each other and towards me has conduced largely to the good of the country: and affords high evidence of your peculiar fitness for the position. I take great pleasure in tendering to each of you the hospitalities of my town should you at any time be called in that direction and especially of my own fireside and humble abode.

But we have been called upon in the last days of the session to put the State in mourning twice for the loss of two of her most distinguished citizen who have fallen at their posts in the service of their Country If the brave and gallant Terry, whose devoted patriotism and deeds of daring had rendered him the most conspicuous object of admiration in all our great Army and the virtuous and talented Hemphill who has given lustre to the pages of history as a soldier, a priest and a statesman must fall & crumble into dust - must perish in the embrace of cold and inanimate clay - I say of these great castles of genius intellect and valor shall be cut down in the vigor of their usefulness and in the midst of glory and honor, may we not be admonished of the terrible empire of death and realize the truth that we have no claim upon a day an hour or a moment of our lives, and that we may never meet again upon this side of the grave.

With the most sincere assurances of my highest regards I part with you with no small degree of regret.

Jno M Crockett

On motion the Senate adjourned sine die

Pages 9 and 10 of this record

☞ The valedictory address of Governor Clark and the inaugural addresses of Governor Lubbock and Lt. Gov. Crockett and Lt Gov. Crockett's address on taking the Chair as the presiding officer of the Senate have been mislaid— See records of Executive office.

Page 13 of this record

Executive Department
Austin Texas Nov. 1 1861

Gentlemen of the Senate and House of Representatives.

Your presence at the seat of government is at all times an occasion of interest and congratulation but at no period within the memory of any member of your Honorable body have the representatives of the people convened under circumstances of so much necessity for their deliberation, or so heavily burdened with the responsibilities of the future as the present. You are direct from the people, and your acts will be the reflections of their will. This fact and your combined intelligence render confident the assurance that your enactments will afford complete justification of the past sustenance for the present and security for the future.

It is the Constitutional duty of the Executive to communicate to you information of the State of the government, and recommend to your consideration those measures which may be deemed essential to the advancement of the public weal. In contemplation of the circumstances which surround him, being as he is the creature of the Convention and not directly of the people; it will perhaps be sufficient that he should confine himself to those facts which will enable you to arrive at a positive understanding of the actual situation of the State, rather than to make suggestions as to the policy you should adopt. This will more appropriately become a matter of subsequent recommendation.

In consideration of our position as an independent State, and at the same time as one mighty element in a young but hopeful nation, which is battling for its life; the subject of primary interest, is a survey of our military condition. To arrive at an understanding of this subject you will receive a brief recapitulation of the steps which have been taken to secure our military defenses. You will also hear of those things which have been attempted, and likewise of the insurmountable difficulties which in this respect have impeded the administration. From these significant facts it will prove no difficult task for your Honorable body to deduce the results which must be consummated in order that Texas may become proof against peril and strengthened in the power to aid in the establishment of the General government.

Among the first and most important duties devolving upon the Executive, was to raise the regiment required by the Ordinance of the Convention to provide in part for the Military defense of the State. Enrolling officers were appointed in different sections of the State and the number of Companies necessary to make up the force, were speedily obtained. The greatest dispatch was required in procuring these troops it being important to have them in the field by the time the United States forces then on our frontier, should be withdrawn: their removal being inevitable in consequence of our withdrawal from the Union. San Antonio was named as the place for the concentration of the regiment and the Colonel selected to command it ordered to repair thither and superintend its organization.

The exigencies of the service however not permitting his absence at the time from his position on the Rio Grande the remaining field officers were required to supply his place in

the preparation of the regiment for service.

This is a mounted force, and of all troops the most expensive, and to serve for twelve months from time of enlistment. To save the State the immense cost of its maintenance and combine our military defences in the same hand induced an early effort on the part of the Executive to procure its transfer to the Confederate government. In order to more successfully and immediately carry out this design Gen. Jas. H. Rodgers was about to visit Montgomery, the seat of government (who was entrusted with its accomplishment and furnished with the necessary authority, and such instructions as were deemed essential.

By prompt and energetic attention to the subject, and aided by the representations of other of our citizens who happened to be present he succeeded in getting the Hon. Secretary of War to accept the regiment. Of this result due notice was given to the Executive, and upon the organization of the Command, it was mustered into the Confederate service, the authorities of Texas, being thereby relieved of all further connection with it.

It may devolve upon the State to provide for the expenses incurred from the incipience of this regiment up to the date of its transfer, but it is believed that these expenses are covered by a recent law of the General government, and that the state will be reimbursed.

War having actually commenced between the United States and the Confederacy, the immense increase of business of a military character, arising out of this condition of things rendered it necessary to put into active operation the office of Adjutant General. The labors of this office have been very extensive and beneficial, notwithstanding the fact that they have been performed under lame and inefficient laws. The results may readily be seen in the present organized condition of our military strength. In the present crisis, it is a very important branch of the public service, and that you may be better informed as to its past transactions and of its future requirements I respectfully refer you to the very explicit report of the Adjutant General herewith transmitted marked "A"

The encampment of United States forces near Indianola, became early in the administration an object of attention. These troops were departing from the State by virtue of an agreement between Gen Twiggs and the Commissioners of the Convention.

In conformity to these stipulations they were to retain a full complement of arms and ammunition. Thus provided they had collected to the extent of several companies at Green Lake under the pretense of awaiting transportation from our shores. From the threatening aspect which affairs has assumed it was not improbable that the Federal government would order these six or seven hundred well appointed troops to take possession of and hold it, is seaport to our very serious disadvantage.

Therefore it was deemed a matter of policy, if not of absolute necessity, to require their immediate embarcation in compliance with the terms of the agreement before mentioned.

Accordingly a commission under the immediate Control of the Adjutant General was authorized to make this demand and if it was not complied with to call out a force sufficient to capture and disarm them.

This Commission was proceeding promptly to the discharge of its duties, when the opportune arrival of Gen Van Dorn with full authority to effect this same purpose superceded the necessity of further action on its part.

The vulnerability of the sea coast was now an object of earnest solicitude, and it was the duty of the Executive of Texas to urge its defense upon the Confederate Government. This was done, and the President requested to send immediately, a competent engineer to make an examination and report upon those fortifications which were necessary.

In the mean time, the precautionary measures were taken of sending several hundred stand of arms from those seized at San Antonio to be used in the defense of Matagorda Bay and Galveston Island.

Steps were taken at the same time to have the heavy guns which had been captured at

Fort Clark conveyed to the Coast.

About this time the able Confederate officer who had been designated to command the Militara Department arrived. Thus rested an important subject in his appropriate hands and relieved the State of that which she had not the power to accomplish.

As an efficient step to secure the defences of our northern border Col Wm C. Young was authorized to raise a regiment of Cavalry. This movement was demanded by the probability of an invasion in this quarter. Difficulties accumulating in the States North of us, it became necessary to increase this force and accordingly three additional regiments were raised similar to the first.

If an invasion had been projected towards us it seemed to be the policy of Texas to meet it as far as pofible from her own limits. With a view to this purpose Co Flournoy was sent as a Special Commissioner to the Governor of Missouri to concert such measures as the ability of Texas and the welfare and safety of both states should justify and demand. This mission although it produced no immediate action on the part of the State was satisfactory in its results. The report of the same is transmitted to your Honorable body.

An effort to have these regiments received into the Confederate service succeeded, and they are now employed in that Capacity. The expenses however in Consequence of their organization and the time they were retained in the field previous to their reception into the Confederate army devolve upon the State and it will remain with your Honorable body to adopt measures to meet them.

It was thought prudent to secure to the State all the ammunition which could be obtained from Merchants at this and other ports; therefore it was purchased, a small amount it is true, but it is well that it should be in the posession of the State by which it may be used as emergencies may require. Some flint lock muskets, which had for a long time been the ipropertu of the State were caused to be altered by contract into percussion muskets and otherwise improved. They are limited in number but are now equal in efficiency to the most improved arms of like character.

An order has been issued to have manufactured several pieces of Ordnance at the Galveston Foundry and also a number at La Baca.

These minute transactions have been mentioned because they were performed without authority from the Legislature. Of their propriety it requires neither explanation nor argument to convince you, and it is only necessary to bring the action respectfully to your attention in order that you may approve and sustain it.

In the deficiency of an adequate supply of state arms, and in view of the fact that if it became necessary to repel an invasion we should be forced to depend upon the private arms in the hands of individuals, it was determined to ascertain as far as practicable, the number of these upon which we might rely. A request was ipsued to the Chief Justice of each county to institute an inquiry for this purpose and the result as far as is known is highly gratifying. Forming an estimate from the returns which have already been received the number of these arms will not fall short of forty thousand. With this fact as a basis your Honorable body may perhaps think it judicious to provide the means for having these arms put in a condition for service, and so situated that they can be made available.

Upon the 17th of April a requisition was made upon the Executive of Texas by the Hon Secretary of War for three thousand men and upon the 24th of the same month an additional requisition for five thousand was received.

These troops were to be Infantry. They were to be organized and drilled, and kept in a state of perfect readiness but were not to be mustered into service unless it was under a subsequent call. Proclamations were accordingly issued calling upon the people to organize themselves into Companies. This was done with great promptitude considering the scattered condition of our population and the natural aversion to Infantry service. The first demand however for their active services was a requ

sitions from the War Department for twenty Companies to go to Virginia. These companies which had been organized in obedience to an order from the Secretary of war for twelve months were now required to be mustered in for the war. This change was productive of some dissatisfaction and occasioned a trivial delay. Not much time had elapsed however before the required number of companies was ready and the Confederate officer to whom the Executive had been authorized to report them, was notified of the fact that he could take them under his Control. He insisted upon certain points of rendezvous at which they were concentrated, and mustered into the service of the Confederate States. With this consummation of course all responsibility of the State ceased, and if these patriotic soldiers as has been said suffered any unnecessary inconvenience before leaving the State, it was not the fault of the authorities of Texas.

In conformity with the present Militia Law Brigadier Generals were appointed in the thirty two districts of the State and these have been required by repeated and explicit orders to organize the Militia. This has been done by many of the gentlemen appointed, and to a very commendable extent, but it is with regret that the Executive cannot report a more thorough and complete organization of this force. In addition to this the people have been urged in different proclamations to organize themselves into Companies and offer their services to the Confederate States, or to the State but through the Adjutant Generals office.

Thus we might hope to have soldiers ready for Confederate service whenever that government required them, and a reserve corps of many thousands to preserve the inviolability of our own soil.

In order to facilitate this organization, It was thought advantageous to unite these companies into Camps of instruction there to remain long enough to fix their respective organization and acquire at least the elementary principles of drill and discipline.

For this temporary life in Camps, the soldiers were to receive no pay, and the patriotism of the people which had manifested a strong desire to express itself in this respect would be relied upon to support them.

These camps were successful only to a limited extent. Various causes transpired to prevent, in some instances their formation, and in others to render them of but short duration.

The movement was an experiment and although it did not meet with that success which would have advanced to a great degree the military condition of the State yet it has been productive of some advantages and has imposed upon the State but a trivial pecuniary obligation.

No practicable means have been left untried to form into military companies all the able bodied men of Texas. The people have been appealed to directly by the Executive and by many individuals appointed by him for that purpose, to organize into Companies of some character, get the best arms they could obtain and inform the authorities of the State of their localities and condition.

It will readily be understood that efforts of this character must have encountered difficulties numerous, and not insignificant and have often proved futile as they were informal.

Among the most general of the difficulties was the fact that the troops were to a great extent required to be infantry. The predilection of Texans for Cavalry service - founded as it is upon their peerless horsemanship - is so powerful that they are unwilling in many instances to engage in service of any other description, unless required by actual necessity.

This passion for mounted service is manifest in the fact that no call for Cavalry has yet been made which has not been complied with almost instantaneously and there are companies of this character now throughout the State which are eager for service.

An additional fact to which the serious attention of the Legislature is especially

directed is, that military organizations have taken place within the limits of Texas without the authority or knowledge of her Executive. Various gentlemen have been authorized by those at the head of the Confederate government to raise regiments, without the intervention or cognizance of State Authorities. This action has been emphatically objected to through the Texas delegation at Richmond, but the objection has not been heeded.

Another serious obstacle has been the want of legislative authority and of the material resources for placing volunteers in an organized and effective condition.

The present Militia law - as all other laws made for similar purposes in times of peace - is impracticable in its character and unwieldy in its operations. The efforts which have been made under its provisions, have disclosed the fact that it is ill adapted to the necessities of an actual war.

It will be the duty of your Honorable body to remedy the defects of this law, and to render it more useful in accomplishing the object for which it was intended.

The last serious obstacle to the military operations of the State, which will be mentioned is the fact that the previous legislature did not have a full appreciation of the greatness of the conflict upon the threshold of which we then stood.

We could all see the majestic and triumphant Confederacy of states down the vista of the non distant future, but all did not realize a sense of the trial and struggle through which we were to pass.

Hence it was that the Honorable body to which I allude made no provision for the contest into which we are now plunged, and those things which have been accomplished have been done to a great extent without the sanction of positive legislation, and upon the responsibility of the Executive.

But, not regarding all the difficulties which have impeded the action of the State and looking only to those results which have been attained by the spontaneous action of the people we have reason for congratulation upon the past and for additional confidence in the future.

Twenty thousand Texans are now battling for the rights of our new born, but gigantic government. They are waiting to win fresh laurels in heroic old Virginia. They are ready to aid in lifting the yoke from Kentucky's prostrate neck and are marshalled in defence of the sovereignty of Missouri. They have covered with a brilliant glory the plains of New Mexico and are formed in a cordon of safety around the border of our own great state.

If such positive results have sprung from the spontaneous action of the people, what may we not hope will be accomplished when the entire latent forces of the State are shaped into system and efficiency?

The number of able bodied fighting men in the State forming an estimate from all the data which can be commanded is more than one hundred thousand. What then is required is a definite practical legislation, that will enable this mass to be commanded, and provide for the formation of such a military system as our necessities require.

For the accomplishment of this object the Executive does not feel authorized to commend to you any particular line of policy. That can be best determined upon by the superior wisdom of your Honorable body.

In February last the Committee on Public Safety, acting with full power under an ordinance of the Convention sent some troops to Fort Brown, and other points on the lower Rio Grande. These companies were mustered into the service of the State for six months An opportunity was subsequently extended to them of being received into the Confederate army This they refused to do and were therefore State Troops to the time of the expiration of their term of service. Just before the time of their enlistment was completed Col Charles Lovenskiold was sent as a special agent to the Rio Grande to ascertain their

condition- investigate the causes of certain disaffection which was said to exist- muster them out of service and have them transported to victoria. This agent has thus far discharged his duties with signal promptitude and ability. The business however has proved one of such extent that he has not yet completed it to make his final report.

These troops which have undergone many hardships and privations, could not be paid even in Treasury warrants. There was only the power to issue to them Certificates of debt, and their payment is a subject to which the early attention of the Legislature is invited

Some Complaints have reached the Executive to the effect that this Command has suffered from the negligence of the authorities of the State. These troops has been sent out on a suddenly conceived expedition and without that thorough organization of the Quartermasters and Commissary departments so essential for a lengthy station in an isolated locality. They were under the management of an accomplished Commander who doubtless adopted every possible means to insure their comfort. The reports from this officer indicate occasionally an approaching want of supplies, but in many of them he announces having made temporary arrangements, and upon the 30th of June he says "We have supplies enough on hand for two months to come:" which time would complete the period for which these troops were enlisted.

These facts in addition to the one that the Legislature had made no provision for the purchase and transportation of supplies to this Command will permit nothing reprehensible to attach to the authorities of this State in regard to it.

By act of the last legislature the Governor was required to negotiate a loan of One Million of dollars by having the bonds of the State to that amount executed, and placed in the hands of an agent to be sold from time to time and the proceeds of sale deposited in some bank in the City of New Orleans.

It was attempted promptly to carry out this law by the appointment- as agent of the State to negotiate the loan- of Gen C. B. Nichols of Galveston. He was as will be seen by documents Doc B herewith submitted properly accredited for the purposes of his mission, and fully instructed as to his powers and duties.

He only partially succeeded. The bonds to be procured have reached this department and are now deposited in the Treasurers office. He however did not succeed in negotiating the loan, or any portion of the same. His report shows the causes- consequent upon the financial depression of the Country which operated against the accomplishment of the desired end.

The matter is commended to the consideration of your Honorable body, for such action as you may deem necessary. The law is still in force and the authority to the agent unrevoked.

Whether or not the existing state of affairs will justify the continuance of the effort to carry out the intention of the Legislature in this respect is a question which addresses itself forcibly to your determination

In obedience to this same law there is now being collected the tax imposed for the payment of the interest to accrue upon the bonds which might be negotiated. This tax cannot be diverted to any other purpose from the one for which it was intended by the law. The question then arises- provided the object of the act is not attained- whether or not it is essential to the public interest to enforce its collection

By an act of the same session, with the one already noticed, you will perceive that for the purpose of procuring means for the payment of certain debts created by an ordinance of the Convention the Executive was required to borrow the sum of Ninety Thousand Dollars for twelve months the interest not to exceed twelve per cent. And if necessary he was further authorized to withdraw bonds of the Texas Central Rail Road Company to the amount of 150.000$ and hypothecate them for payment of the principal and interest of the loan.

Documents herewith submitted will show the steps taken to comply with the object of this law. The required amount of Bonds as above specified were delivered to Gen Nichols for the object contemplated in the act. They were deposited by him in the City & Banking Bank of New Orleans where they still remain. He will when opportunity may offer

withdraw the bonds and return them to the proper office at this place. unless otherwise instructed.
to portion of this loan has been obtained

The Heads of the different departments of the government have extended to the Executive their constant Cooperation and advice and have been to him of very great service - for which he acknowledges his deep indebtedness.

Their very able and satisfactory reports are submitted to you with this communication To them you are referred for specific details and suggestions connected with their respective departments.

You are especially referred to the comprehensive facts and sound suggestions embraced in the report of the Hon. Comptroller.

The question of finance is at all times one of primary importance with a legislative body: but never before in the history of Texas, has it posed such surpassing importance and at the same time been environed by so many difficulties

By reference to Doc A. of the Comptrollers report it will be seen that the balance on hand in the Treasury on the 31st of August amounted to $36.866.34 including $ 607.01 in Ten pr ct Treasury warrants.

The taxes of the present year do not become available before June 1862 and it will be remembered that there is no probability that the State bonds provided for by the last legislature will to any extent be negotiated. Hence the absolute necessity of your adopting measures to raise a revenue adequate to the wants of the State, and to replenish the Treasury.

Again commending to you the report above alluded to (Doc 6) the Executive leaves the solution of this difficult problem to the combined ability of the Legislature.

The above report discloses the fact that of several railroads which borrowed money from the State under the law of —— 1854 at least five have failed to pay the interest due upon their indebtedness. In the occurrence of this failure the duty of the Executive is plainly pointed out by the law. This duty did not escape his attention. The best course to pursue under the circumstances and the one which would be productive of the least evil to the State was of difficult determination. Upon consultation with the Comptroller, Treasurer and Attorney General it was decided, most expedient not to enforce the law in this instance. Had it been done by the State, under the existing depression of monetary affairs and by virtue of the law would necessarily have become the purchaser a result not at all desirable. These roads in consequence of the embarrassed condition of the country, would have been more profitable in the possession of the State than in that of the Companies.

The damage arising from the failure of these companies to meet their liabilities attaches to the School fund the interest arising from this source contributing a part of the distributable fund for the support of public schools. The sum involved in this instance, when divided among the scholastic population of the State, would be so inconsiderable to each individual as to render it a matter of no material importance.

It has not been the disposition of the Executive to excuse these delinquent companies, but his course has been pursued with the hope of promoting the best interests of the State. No right has been impaired by his failure to advertise and sell the roads and this course it is believed would have inflicted a greater injury upon the public than that which has been occasioned to the school fund.

The Executive Concurs in the Comptrollers recommendation that some more effective means be adopted to secure the payment of this interest.

To the report of the commissioner of claims Doc D. giving an account of the transactions of his office and asking that duplicate issues of Land scrip and warrants issued by him according to his construction of the law, regulating his office, g[illegible]

attention is recommended.

The report of the Committee on Printing announces the fact that there is no public printer, all the bidders for the contract having failed to complete it. To provide for this want is a subject which will doubtless command your early attention

The different eleemosynary Institutions of the State have continued their good work, and have been conducted in all respects in a manner commensurate with the divine object of their formation. Whether or not this labor of Charity should be curtailed or modified in its practical operations and expense by the stern necessities of an actual war is a question that commends itself to your consideration.

The reports of the Directors Superintendent and Financial agent of the Penitentiary are also transmitted to you The latter shows a discrepancy of the amount of goods received and the amount accounted for of very great magnitude. This deficiency is said to be the result of errors in posting the books and it is confidently believed that it will be satisfactorily explained. Aside from this the Institution has not only been eminently prosperous in its operations but it has also been of great service to the State. The blockade of our ports cutting off all the usual sources of supply of manufactured goods, and the increased demand for such fabrics consequent upon retaining a large number of troops in the field, directed the attention of the Executive to the manufacturing power of this Institution. The managers were requested to apply the whole of their available force to the fabrication of goods for military purposes. This has been assiduously done.

Would it not be a wise policy for the Legislature to take steps to purchase all goods made at this Institution suitable for the use of our troops, or to make an appropriation for its support and take possession of all its fabrics of a required class? By these means the State may be able to a great degree to clothe the soldiers of Texas who may be in the field.

Thus you may be able to comply with the prudent suggestion of the Secretary of war contained in a letter which is submitted to you. This communication advises that this State supply her own troops with clothing and receive for the same the commutation of twenty five dollars for every six months clothing furnished to each soldier. State Agency in this respect will prove more efficient than the operations of the General Government and the subject is well worthy of your consideration.

By act of Congress all claims incurred by the several states of the Confederacy arising from the circumstances which impelled their action previous and subsequent to their several acts of secession are assumed by the Confederate government. The act requires the Governors of the several states to forward the claims to the Secretary of the Treasury in order that they may be audited. They will have to be collected and thrown into shape by the several states, and for this purpose some provision, having such object in view should commend itself to your consideration.

In compliance with a Joint Resolution of the Legislature providing for the turning over of property now in the possession of the state, lately taken from the U. S. government to the Confederate States Government" and upon the arrival of the agents of the Confederate States the Ordnance and Inspector General and Quartermaster General designated by the Convention to take control of all such property were ordered to turn it over to the proper agents. The property in charge of the Ordnance and Inspector General was promptly transferred and the required schedule and receipts filed with the Comptroller.

It was impossible that the work of the Quartermaster General should be so rapidly completed. The property under his charge was turned over en Masse in order to facilitate the operations of the Confederate Government in this Department; but a considerable time has been required "to receive and take receipts for the same accompanied by schedules specifying each item and its condition"

The gentleman upon whom devolved the duties of this office has discharged them faithfully and ably; but the immense amount of property which he was required to transfer and the extent of country over which it was scattered have protracted the operations of his office. His report

is herewith submitted (Doc 2)

An ordinace of the Convention appointed Maj. Ben McCulloch to purchase or otherwise obtain for the State of Texas One thousand Colts revolvers and One thousand Morse rifles or a like number of such other weapons of a similar character as he might approve and obtain. He entered promptly upon his mission but found it impossible to procure the rifles. The pistols however were secured and have been of great service in arming the regiment called out by the Convention. The claim for these arms which is about 25000$ is due to a citizen of the Government with which we are at war and it will devolve upon the Legislature to determine its adjustment.

Some strenuous exertions have been made by the Executive to procure an additional supply of arms for the State: but this subject is deemed prudent to make the subject of a special report to your Hon. body.

Gentlemen; I have thus fulfilled my Constitutional duty, it is now my privilege to commit the Government into your hands and into those of the distinguished gentleman whom my fellow citizens have chosen to succeed me, and who will Cooperate with you in your future legislation.

In the foregoing communication I have said only those things which the propriety of my situation would permit and which the most important necessities of the Government demanded. It was sufficient that I should Confer to you a succinct statement of the significant transactions which have transpired since the occasion upon which I assumed the responsibility of acting as Chief Magistrate of this state.

There are many more things which I might have said. It was no difficult task to indulge in reflections and to Amplify recommendations. But we are in the beginning of an age of action.

What you require are facts Your wisdom will enable you to mould them into law and your freshness from the great source of all law and all sovereignty-the people-will cause you to conform your actions to their will.

The realities of a great war in which we are engaged will require the exercise of all your financial ability- all your military skill and devotion to the public weal. I am Confident that you will display all those qualities at the same time that you will rely unwaveringly upon "Him who doth all things well" Thus will the fruits of your labors soon be peaceful Independence and a prosperous State

Edward Clark

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L 3 The Treasurers statement referred to on page 26 of this record cannot be found among the papers of the Legislature.

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L 3 The report of Finance Committee referred to on page 37 of this record cannot be identified

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"The undersigned joint Committee on the part of the Senate and House of Representatives to whom was referred the memorial of Robert Crenzbaw have had the same under consideration and respectfully report as follows."

Your committee made a cursory examination of the plan proposed by the memorialist and find that with the exception of one of the modes of attack proposed - which is novel but not necessary for the success of the balance of the plan - the project does not consist in any startling novelty nor in any combination of abstruse difficult theories, or any thing of the kind. It is simply an ingenious and happy Combination of known facts and results which any man of intelligence familiar with such matters can comprehend and we think form a correct judgment thereof.

Not having known sufficient time at our command to give it as thorough an investigation as we desired to do, we requested two gentlemen of the board appointed by His Excellency, the Governor, Mr Von Rosenberg and Mr Browne - gentlemen of science. who kindly Consented to make the examination for us. - to test whether the project is based upon sound principles and by calculation to try its proportions and necessary strength Capacities &c.

We beg leave therefore to make the reports of these two gentlemen part of this report. In our opinion and guided by the reports referred to we submit that the project of the memorialist is practicable. We believe that its success would be of such momentous importance to the whole country, that its execution should be undertaken with the least possible delay. Should it fail in accomplishing all that it proposes we still believe it will be a most formidable and unequalled gunboat. We therefore came to the conclusion that the small amount asked for will be well applied if only the latter result is accomplished. Your committee therefore submit the accompanying bill and recommend its passage.

Respectfully Submitted

N G Shelley
Com. on part of the Senate
R. T Flewellyn
Com on part of the House.

Austin Nov. 20. A.D. 1861

To His Excellency F. R Lubbock
Governor of the State of Texas.

According to Your Excellency's desire as expressed per letter of date Nov 12. 1861 the undersigned have made a thorough examination of C. Crenzbaurs invention styled the Sea King and begs leave to report as follows:

The object of the plan is to make harmless or to destroy vessels of war with certainty. The chief idea to accomplish this lays in the Construction of a vessel on such a plan, that without danger to itself it can approach the enemy and deliver its fire at close quarters, so that every shot becomes necessarily one of destruction

To accomplish such a construction the following requirements present themselves as necessary conditions

1st. The vessel should present to the enemy as small a target as possible; and when hit it should be able to withstand the heaviest shot.

2nd It should have superior speed so as to be able to force the enemy to a contest whenever desired; and in addition to that speed it should be able to turn in every direction with facility

3rd It should be provided with Ordnance of great power.

Now to test this project by these conditions

1st. The body of the vessel presents but a small surface above the waterline, and its superstructure is of small dimensions; therefore a corresponding small surface only is exposed to the enemy's fire. In addition the shape of these exposed parts is such that the enemy's shot must strike the iron plates covering these parts at a sharp angle and most invariably at a small sharp angle. and therefore glance off harmlessly.

The question arises whether the shape adopted for this vessel is favorable to its sea going qualities and to quick motion. Comparing it with Winans "Cigar Steamer" the qualities of which are known by experience it differs therefrom in three particulars It deviates in shape, inasmuch as a cross section of the Winans steamer is a circle while a cross section of this vessel is an ellipse. This shape adds to its Carrying capacities with an equal propelling power, - and this shape, in connection with the keel, which forms the second deviation from the Winans ship the better resists the tendency to roll and gives the vessel greater steadiness - which is an important object to facilitate correct firing.

The third deviation is the different position of the propelling power, which in the Winans is Central and in this vessel is situated at the end. Before the Winans steamer was tested it was predicted that it would bury itself in the waves in a direction inclining downwards This objection proved to be unfounded; yet it may be proper in this Connection, to consider what influence the position of the propelling power may have in regard to this supposed downward tendency. A little reflection on this point will bring to the Conclusion, that to avoid a downward tendency of the point of the vessel a line drawn through the propeller at the Centre of action and parallel to its direction must pass under the point of the vessel. If this is the direction of the propelling power a horizontal one, the Centre of action must lay below a horizontal line passing through the point of the vessel. The resistance of the water will then have a tendency to elevate the front part of the vessel, this upward tendency has to be stronger than the pressure of the water which has to be displaced by the submerged upper front part. Should however this not be the case or should the Center of action lay higher than the point of the vessel, it would only be necessary to deviate the direction of the propeller from a horizontal line to one slightly inclined downwards. A tendency to going head foremost down being avoidable by Construction which I believe to be considered in the vessel under consideration there can be no disadvantage in this respect as compared to Winans steamer.

In regard to the Carrying Capacity, and draft of this vessel, they are arrived at with precision by Calculation based upon known rules; and its dimensions can be regulated to correspond. Its construction also for solidity, stiffness, and for capacity for resistance can be determined by Calculation based on formulæ tested by experience The shape presented in this plan according to general rules in regard to power of resistance is of the most favorable.

In view of these facilities in changing the size and strength of the vessel proposed a minute detailed investigation of its carrying capacity and strength is thought unnecessary; particularly as it is proposed to Construct one of smaller dimensions to meet most urgent necessities in coast defence.

A rough Calculation however, of its Capacities seems to indicate that it is properly proportioned to carry all necessary articles for attack and sea service; and steam power sufficient to propel it at the rate of 18 miles per hour as a common duty of the engines, which in a case of necessity, as with other steam engines can be considerably increased without injury. This speed has been surpassed by the Winans ship (see Sci Am. Vol 1. 1859) The thickness of its material seems to be sufficient to resist Rifled heavy shot as explained above.

Taking into account the experiments made with the Winans steamer, I hold the general principles of this proposed plan to be correct, and its execution practicable.

In regard to the arrangement of the machinery I do not feel competent to give an opinion. It seems to me however clearly evident that any competent marine engine manufacturer and engineer could introduce and arrange his machinery to suit the vessel the space being ample.

2nd As to the velocity of the vessel, I would remark, that the same propelling power, which would be applied to an ordinary vessel of the same draft and weight would give to this vessel a greatly superior speed, on account of its fine lines and great length.

Aside from the superior velocity due to its shape this vessel has a most decided advantage in its capacity to change its direction with speed whether standing still or under headway by means of the two small side propellors placed near the front end of the vessel. It is evident that these propellors placed in the rear part of the vessel would answer the same purpose and could be brought to action by the pilot.

The second requirement therefore of high speed and facility of changing direction seems to me perfectly fulfilled.

3rd In regard to Ordnance, the plan proposed to use one breech loading cannon in a forward direction At all events the power of attack of this Craft which might be placed in a position between several hostile vessels would be much increased by adding another such cannon to operate in the opposite direction, which is evidently easily accomplished.

Now as this vessel owing to its peculiar construction can closely approach an enemys vessel without incurring danger its explosive shells fired with consequent precision would be extraordinarily destructive and the direction of the Gun parallel to the axis of the vessel together with the steadiness due to the whole construction would greatly facilitate accurate firing.

The proposed Submarine Cannon might under peculiar circumstances become dangerous to the vessel that and should for safety be seperated from the balance of the ship by a water tight compartment

Which course depending on the yet untried mode of attack, nor on the third mode of destruction (prudence forbids to mention it in a written communication) which apparently can be successfully applied. The results of the use of a gunboat constructed on the leading principles proposed would be of such importance particularly in raising the blockade of our ports that a further investigation by Competent judges and a speedy execution of the plan is most desirable.

To express my Conviction after closing this examination, I must state that a gunboat built on the principles proposed, could more successfully raise the blockade than a whole fleet which could have no advantage that the enemy did not possess All of which is respectfully submitted

W. Von Rosenberg.

I have examined and Concur in the above

L. M. Kenner.

Austin Nov 21/61.

"I have examined Mr Creuzbaurs plans and Calculations of a vessel called the "Gunking" to be used as a Ship of war. I find it to be a modification of a vessel designed by the Messrs Winans of Baltimore for the form of which they obtained from the U.S. Government a patent in October 1858.

The modifications are these. Winans vessel has the propelling power at the Centre; Creuzbaurs has it at the Stern. Winans ship is entirely of iron. Creuzbaurs partly of wood and partly of iron, the Cross sections are also different, those of Winans are Circles and those of Creuzbaurs are ellipses the longer axes being horizontal.

The changes proposed by Mr. C. in my opinion add greatly to the efficiency and safety of the vessel with the exception of the use of wood instead of iron Wood presents greater mechanical difficulties in the construction of the class of vessels under consideration than iron does, besides the greater strength of the latter material ought to be considered in connection with the service for which the vessel is designed.

Mr. Crenzbaurs calculations of the strength buoyancy and stability of his vessel I find to be based on correct principles and are in the main correct

In the armament of the vessel I believe the submarine gun ought to be dispensed with and two guns instead of one be placed on the vessel as indicated in the drawing.

Mr. C. proposes to use a Caloric or hot air engine instead of a steam engine As far as I have been able to ascertain the former class of engines are but little used, and then only when a small amount of power is required. There is one instance however in which I am aware that a hot air engine of 37 horse power has been successfully used The advantages of this class of engines consist in the economy of space and working expenses and above all the avoidance of the explosions of steam boilers which have so often been the cause of great loss of life and property. A power of 400 horses would be required to propel Mr. Crenzbaurs vessel 18 miles pr. hour. He has evinced much ingenuity in adapting the hot air engine so as to give the required propelling power to his vessel but in cases of this nature results cannot be obtained in advance of actual trial, of the success of which in this instance, I could not hazard an opinion.

The "third mode of attack" I believe to very formidable when used from such a vessel as that proposed, by brave and skillful men. The vessels of war "La Gloire" and "Warrior" the one french and the other English have iron plates 4½ inches thick on the exterior surface which it is supposed render them proof against shot impinging at right angles to the surface. If this be true then a less thickness would protect the "Sea King" because if hit at all it would necessarily be at a small angle and shot striking at an angle of 45° loses about half its effective penetrating power.

A ship carefully constructed on the plan of the "Sea King" and sufficiently strong to resist the force of shot would with even the small armament proposed destroy in a short time the whole naval power of our enemies.

James Browne
Civil Engineer

I concur in the above.
J Mitchener

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The committee on finance has considered the several subjects referred to it, involving a general view of the Condition and prospects of the Treasury and of measures for legislative Consideration; and thereon this general report is respectfully submitted.

Condition of the Treasury

The Comptrollers report for the fiscal years 1860 and 1861 partly in precise statements and partly in conjectures, gives much information as to the Condition and the prospects of the Treasury. As to the accuracy of the Conjectures there are diversities of opinion but not such as to prevent taking the report as a basis subject to modification.

First, it is necessary to know the Condition of the Treasury.

The report shows at the end of the last fiscal year

August 31 1861 cash in the Treasury $36 262.33

It shows at the same time an outstanding military debt without reckoning interest to the amount of 939 903.63

903 641.30

By the report this would appear to be the balance against the Treasury at that date

Although the report, in this and other particulars shows enough for its purposes, yet the data must be further extended in order to get a basis broad enough for practical estimates of necessary revenue and of other resources for the next two fiscal years.

Of the above balance about the amount of $300000.00 in Treasury warrants is bearing interest at the rate of 10 per Ct per an and it is estimated that such interest accrued to August 31. 1861 was about $10.000.00

From the report it appears that the Treasury liabilities embrace loans from the University fund proceeds of University lands Estates and school fund. In addition a statement from the Treasury department gives the present aggregate (with information that it was near the same amount Aug. 31. 1861) of principal of these debts 178.776.14

This aggregate being composed of loans to the Treasury from certain funds therein deposited may be Considered as entitled to interest from the State as borrower; and a statement from the Treasury department shows, that such interest at the rate of 8 per cent. per an. to Aug. 31. 61 amounts to 16338.84 205.164.98

1.108.806.28

Of this balance the part due the University fund consists of principal 157098.90
and of interest 14500.10 165.599.00

943.207.28

This University part is deducted as not pressing But all of the balance is urgently demanded from the Treasury which must look to future receipts for any means of payment

Prospect of the Treasury

From the statement of the Condition of the Treasury at Aug 31 '61 the balance against it (exclusive of the debt to the University) is brought forward — 1 108.806.28

Looking to subsequent liabilities, the Comptroller's report presents an estimate of ordinary current expenditures for the two fiscal years from that date at — $608.810.00

This amount is subject to such diminution as may be made in ordinary current expenditures. but this deduction may not be safely estimated at more than — 58.870.00 — 550.000.00

1.658 806.18

Of this balance as before stated about the amount of 300000$ in Treasury warrants is bearing interest at the rate of ten pr ct pr an, as had been reckoned to Aug 31. 1861; and this for two years would amount to — 60.000.00

Of the foregoing the debt due to the University fund may be considered as entitled to interest at 8 pr ct pr an. as has been reckoned to Aug. 31. 1861; and this for two years would amount to — 24.175.82

As to the present force of Minute Men. their expenses until about Aug. 31 1861 are included in the previous balance being part of the Audited amount, but the continuance of their services to March 1. 1862 will require the further expenditure (as the Comptroller estimates) of 10.000$ pr month for six months — 60.000.00 — 144.175.82

1182.982.10

The balance thus ascertained arises from actions of the Legislature preceding this session and of the Convention, with the consequent performances, which have been completed, and partly audited except as to the extension of services of Minute Men as aforesaid.

At the present session of the Legislature the prospect indicates appropriations for arms and ammunition — 500.000.00

For hospital purposes — 150.000.00

For other (minor objects — 50.000.00 — 700.000.00

2.502.982 10

But (as stated in making the urgent balance for Aug. 31. 1861) the debt to the University fund may be postponed, and its entire amount of principal and interest is deducted — 189.774 82

2.313 207 28

This presents a practical approximation to the amount of liabilities preceding Aug. 31. 1863 to be regarded as positive, and as requiring some reliable provision for actual payment, currently and fully before that date.

To these certainties must be added some important contingent liabilities. The call of a large militia force into active service for coast defense should be regarded almost as a certainty, and the possibility of failure of the Confederate government to meet the public demand for interior frontier defense must not be disregarded. Each of these burdens might fall on the State in the first instance, and the cost of either can only be conjectured; but neither should be presumed to come below One and a half Million, while the militia expenses might be much greater. For these particulars say a contingent estimate — 3.000.000.00

5.313.207.28

To meet the liabilities in part the Comptroller reports estimates the total receipts into the Treasury including the ten pr ct. for school fund to the same date at — 9487653.43

The ten pr ct school fund is not revenue for use of the State Treasury and is deducted — 94876.54

853.888.91

But this estimate of receipts is based on a tax of sixteen and a half cents on the 100$ of ad valorem taxation, and of this rate four cents cannot be applied as ordinary revenue because it is a specific tax for the million loan. The proportion of the four cents of the tax derived from property, is deducted — 210678.25

643.213.66

Under the funding act of March 20 1861 "One tenth of the revenue derivable from direct taxes" is set apart and pledged so that it cannot be used for ordinary purposes and it makes another deduction. — 94.876.34

548.339.12

This balance includes outstanding arrearages which may be collected during the next two years as assumed in the Comptrollers report. but circumstances indicate an increased amount of arrearages, and they may extend much beyond the deduction here made for them as a vague conjecture. — 600000.00 — 488.639.12

4.824.868.16

The foregoing estimates of receipts are based on the assessment of 1861 and the present rates of taxes (excluding the loan tax) together with a supposition that the next two years after Aug 31. 1861 might average as much as the preceding years allowing additions of taxables and increased sales of land to balance decrease of valuations and occupations.

By a repeal of the funding act with some satisfactory arrangement for liquidating the small amount which has been funded the ten per cent pledged on that account might be restored to use as ordinary revenue, and so aid to diminish the balance against the Treasury 94 876.54

4.729.991 62

The contingent estimate may be fortunate enough to be dormant, both as to a call of the Militia and as to the regiment for interior frontier defense, and it is here deducted in order to show the unqualified balance 3 000.000.00

1.729.991.62

The Comptrollers report shows that the State has a claim against the Government of the United States for expenditures in the Military defense of the State prior to secession for about $ 800000.00 and another claim against the Confederate States for like services after secession for about $ 500.0000 But neither claim may be available as means to meet any part of the above balance. Hence taxation and Credit are the only resources for current expenses and the liquidation of the above liability which must press on the Treasury from the present time to the meeting of the next Legislature at regular session. And it is apparent that the revenue on the present basis might be about sufficient to meet the ordinary expenses of the Government without making any other payment worthy of consideration in adopting necessary measures of legislation.

Financial Measures

A full view of the condition and prospect of the Treasury was a necessary preperation for considering financial measures. Before proceeding to particulars or details of such measures it is indispensible that some Controlling question of general policy shall be determined Shall taxation and sale of public land be the only means of meeting the liabilities of the Treasury? Or shall borrowing be an additional source?

The preceding view results in this Consideration That double the amount of the preceding tax (exclusive of the loan tax) would be required for three years to liquidate the positive indebtedness without interest. This conclusion is expressed without pretension to precise accuracy but without doubt of its practical correctness The process of collection and disbursement of taxes would not be satisfactory because the burden would be borne without accomplishing either prompt restoration of State Credit or early relief to the Treasury and its Creditors while it would afford no provision for the important contingent liabilities involving the military defence and security of the State whose

government would be left without adequate credit of itself and without available means of collateral securities. But there is just policy in dividing with posterity the burden of taxation considering the extraordinary circumstances which have rendered necessary its increase. And borrowing if practicable is the appropriate mode of alleviation from present pecuniary pressure and of providing for both certain and contingent liabilities which are beyond the reach of other means at early command. A prevailing opinion either affirmative or negative on the question whether a necessary amount can be borrowed may determine the financial policy of this State for many years. Hence the committee deems it proper to devote a large proportion of its report to this decisive question. The practicability of borrowing has not been tested under circumstances as are now presented. It may be assured by the ample resources within the State. Some trust funds have to be invested every year; considerable quantities of money were in the State at the commencement of the present crisis and much of it remains dormant, many citizens by sales of various products are accumulating funds beyond their current wants, and the important article of cotton has begun to find most advantageous markets in and through Mexico. The financial plan of the Confederate government for obtaining loans from the proceeds of cotton might be executed during the continuance of the blockade with peculiar advantages by the people and the Government of Texas especially by their co-operation in facilitating the sales. The transportation which planters might not be able or willing to accomplish without aid could be easily and certainly done by economical assistance from the government through limited agencies, credit arrangements, and pecuniary advantages as far as necessary to meet the charges for transportation within Texas. The funds to make such advances, and ultimately to restore them except a small commencement would come from sales and loans in the course of the business, and expedition would be promoted by making some early sales at the nearest Mexican markets. After discontinuance of the blockade the advanced preparation of Texas would cause its condition to be better than equal to with other States in taking the benefits of ordinary commerce; but in the mean time this State alone of all the Confederacy has an open way to foreign markets, with such a demand for Cotton as to justify sending it from any part of the State. The nett proceeds, even, of the most remote portion would be greater than could be realized after cessation of the blockade. And the chief expenses would be within the State, distributed among its own citizens - the carriers by rivers railroads and wagons. Moreover the return freights of reciprocal commerce would moderate the expenses on the cotton while they would largely increase the internal disbursements for transportation and supply in part the general want of various articles including bagging and rope. Many articles however important could not be otherwise obtained. Merchants having unemployed funds, could advance to planters and otherwise conduct business as heretofore in general but by a different route so as to relieve from current emergencies for money while aiding in the acquisition of greater quantities. Nor should there be any doubt that the Mexican ports will be placed and continued on eligible condition for general trade. The National and State Governments and people of Mexico would resist a forcible interruption of the legitimate commerce of their country by the United States especially as the latter has no important claim on the former for satisfaction. And the United States has recently taken a position against the claim of certain other powers to control the Custom Houses of Mexico. But the merchants of countries at peace with the United States would have their rights sustained by their respective governments while any maratime nation that might be at war with the U. S. would furnish convoys for its merchantmen. Interruption of the Confederate trade through Mexican ports could not be tolerated by principal european powers especially during any serious embarrassment of trade at Confederate ports. The opposition to such interruption would be prompted by the general interests in Confederate trade and by the special interests of the English French and Spanish people whose governments now have sufficient armaments engaged in a mission for securing large portions of the Mexican revenue from Customs as means for payments

on demands of suspicious character. Increase of Confederate Commerce and other intercourse with foreign countries by this route tends to provoke assailment by the enemy, but it more tends to make protection unquestionable, partly by our own forces and partly by foreign powers. Further assurance of security to trade by this route arises from reliable information that the Confederate port of Brazos St Diago is not essential to the seaward Commerce of the Mexican port of Matamoras because that Commerce with nearly equal facility might use the Mexican Harbor inside of Barra del Tejre distant from the mouth of the Rio Grande about forty miles by water and left from Matamoras by land, according to maps. And even a serious interruption by the enemy of our possession of the southern extremity of Texas would not balk the Contemplated Commerce through the port of Matamoras or that of Tejre. because the Coasting of the Rio Grande might be above any extent of such interruption. At worst the embarrassment would be only temporary inasmuch as such an interruption would be speedily overcome. Supposing all other obstacles to be obviated there is one which remains in the apprehension of some persons, that the Citizens of Texas would not purchase its bonds. Such apprehensions may be removed by a few reflections of peculiar and patriotic import. Until a recent date such bonds could not have successfully competed in this market with the various objects for investments which have caused extravagant prices for money. But at present the Calls for speculations and ordinary investments are weak, while that of the Government is strong. A new condition of things is to be considered. The State may need to borrow two millions of Dollars during the next two years the process being gradual. The actual resources of the State when made available are greatly beyond any pressing wants. Allowing other demands to be fully met by 9/20 of the marketable products of the State for the two years the other twentieth would far exceed the amount of such loan. Accumulated Capital in general will refrain from ordinary investments during the war and the time of its Continuance is so uncertain that State bonds perfectly secured for ultimate payment of principal and semi annual payment of interest at the rate of 8 per cent per an. might be welcomed as the best articles in Market. Such security would be established under express provisions of the Constitution by specific tax payable in Specie and beyond the power of repeal to the prejudice of such holders of bonds. Interest thus paid is practically considered equal to the rate of ten per cent in annual payments; and the bond thus secured would be saleable after the war in distant markets at a very high rate. The proposed aid to planters in connection with the consequent profits to them could scarcely fail to insure their purchase of bonds at par during the blockade or of the great embarrassment of commerce at the Confederate ports. But in case of failure of making sufficient sales of bonds at par on account of a termination of the blockade or whenever existing circumstances might make it necessary the bonds could be sold at such lower rate as would command the loan from Texan Citizens. The State could afford to give liberal terms to its own citizens rather than to foreigners. but the patriotism of citizens would forbear from severe speculation on public necessity. On the contrary of such speculation there is no good reason to doubt that the government of the State in a great emergency might make a successful appeal to its citizens for more than a loan; even an aggregate donation greater than the amount proposed to be borrowed. But no donation is required for a loan is patriotic enough. For any present accommodation it is most just that the State should give a full equivalent whose burden would be equal and light being borne by all the Community through a long series of years by means of moderate and uniform taxation. The State has to choose between this process and heavy prompt taxation. Prudence will be suggestive to those who have ample means and patriotism will prompt nearly all classes. Without an early and respectable loan both the justice and the security of the State

will be compromised. By such a loan the State would be immediately relieved from disparagement and its defense would be materially strengthened while its general Comfort would be greatly promoted. A limited number of Citizens could soon place the State in such enviable condition without loss to themselves by means of ordinary productions. Such a demonstration might do more than any other to establish its independence - to elevate its reputation and to fortify its availability for the common succes of the Confederacy. In every aspect of the subject, with reference both to means and to disposition it would seem to be practicable for the State to borrow as much as necessary from its own Citizens.

But if succes be not certain, the probability will surely justify a thorough experiment especially when the failure to make it would be an assumption of negative responsibility fraught with General dissatisfaction

Moreover such a proposal for a loan should be kept as a standing offer to Creditors of the State in view of existing liabilities and of contingent emergencies during the present Crisis. The proposal for borrowing should be identical with one for funding. If the foregoing remarks have shown that the State should have a liberal and reliable basis for borrowing money to meet the present and future pressure of the Treasury, inasmuch as such demand cannot be met by any practical taxation without unreasonable delay, and borrowing if practicable under existing circumstances should be preferred to pressure of taxation purely justice and all other principles of propriety require that terms of like terms to Creditors. Thus in the absence of money, the State would assume its credit in the most available mode for ordinary transactions and would give to the Executive the power of using it to the possible advantage in greater emergencies.

From these premises the proper Conclusion would seem to be a system combining moderate taxation and necessary provisions for borrowing two Million of dollars if practicable. The advalorem rates of Twenty five cents on the Hundred Dollars being adopted in the Revenue bill from the House the Committee recognizes this rate as the aggregate of such taxes. Of this amount the rate of four cents is considered as pertaining to the act of the last session of the Legislature providing for a loan of One Million and no change is recommended as to that law except to modify the provision which requires proceeds of the bonds to be deposited at New Orleans and a few other particulars. It is contemplated that the taxe will be collected and the bonds be in market under this law in 1862

It is proposed that a similar law be enacted for another loan of One Million, but that the Governor shall determine in view of the prospect of sale and of the demand for money, whether the bonds shall be placed in market. Should he not place the bonds in market the rate of twenty one cents for ordinary revenue would be collected in 1863 as previously done in 1862, but if he should determine to place the bonds in market he would make a corresponding proclamation and thereupon the rate of four cents would be collected under the special law for the basis of the second Million loan and the same rate would be deducted from the rate of twenty one cents aforesaid. The necessity for taxation would be diminished as the bonds would be sold; and full succes of the loans would prepare the way for the Legislature, at its next regular session to make the subsequent rate very low unless some costly Calamity to the State should intervene and forbid the reduction. There is before the Senate a bill for an amendment of the law which heretofore provides for the loan of One Million. Another bill to make similar provision for another equal loan has been prepared, and it may be properly used either by introduction in the House or by some amendment in the Senate. The bonds may be of smaller amount than the former which are for One Thousand dollars each so that different seizes of Capital may be accommodated without having any bonds so small as to be brought into the ordinary exchanges of Currency if in competition with other kinds of paper.

The committee considers the loan bonds as more eligible for creditors who may wish to fund their Treasury Warrants than the bonds under the funding act of March 20. 1861, and this act is not practical without amendment. Under it only sixteen thousand dollars have been funded and that amount withdrawn from ordinary use (being pledged for payment of the interest upon the bonds and as a fund for the redemption of the principal) "one tenth of the annual revenue derivable from taxation" and "all moneys arising from the sales of Indian reserves" while there is no authority to use the money when collected in payment of the principal before the maturity of the bonds. It is recommended that this law be repealed, and in connection therewith that provision be made for liquidating the funded debt in Treasury Warrants at par or in loan bonds or in money. A corresponding bill is reported.

The committee further considers the loan bonds as the best means of investing such funds as may be specially deposited in the Treasury from time to time except those which should be kept on hand to meet calls that might be made by rightful claimants. A special fund not in condition to be used otherwise to promote its object for a considerable time should be safely and profitably invested with a view to the ultimate purpose of its Creation, and as to public charities, such as the University fund and the School sinking fund, the State as trustee or manager might borrow on the same terms that it would allow for other monies. So the State could use and secure such funds as they might be received to the great advantage of both interests, especially to the State Credit for voluntary first nefs. A corresponding bill is reported.

But to remove one obstacle in the way of this policy it will be necessary to repeal "An act providing for the investment of the sinking fund" approved February 13 1860. This act substantially changes the arrangement, which had been made for loaning the special school fund to Rail Road Companies and amounts to a continuous investment of that fund without limit of time, instead of the previous provision for a sinking fund to close such loans. Experience may have shown that the former arrangement was more politic especially with the addition as proposed of investing the sinking fund in well secured state bonds. By this means that fund as received would be for the school interest most advantageously invested while it would be actively used for most important public purposes. A bill is reported for the proposed repeal.

In this Connection also the Committee recommends the repeal of "An act providing means for the payment of certain debts created by authority of the State Convention of the People of the State of Texas" approved April 8 1861. It is understood that the object of this act has not been attained. It proposed to borrow Ninety Thousand dollars by pledging one hundred and fifty Thousand Dollars of the bonds and securities of the Texas Central rail road Company belonging to the school fund "or an indefinite number or amount of the loan bonds of this state. For such purpose the named amount of the rail road bonds was withdrawn from the Treasury and is said to be merely deposited in New Orleans. Such a withdrawal of the railroad bonds placed them out of reach of "An act providing for the investment of the sinking fund" which is predicated on the credit to be given on the bond for the amount of payment thereon for the sinking fund. But if the act last mentioned were repealed as above recommended there would still be reason enough for repealing the act now under consideration in order to restore the displaced railroad bonds to the Treasury, to remove from the loan bonds the color of a pledge and to prepare the way for a better arrangement to secure and pay the debts intended to be paid by borrowing the ninety thousand Dollars. A Bill is presented for the proposed repeal.

Without noting other utilities of borrowing the terms of taxation with its incidents require some further consideration. Whatever may be the rates of taxation, the subject demands particular attention. In this report the Committee will not go into tedious details as to taxable subjects; but will state the views of general principles. These are

chiefly determined by the Constitution whose language on these subjects is here quoted Art 7 Sec 27 Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value to be ascertained as directed by law except such property as two thirds of both Houses of the Legislature may think proper to exempt from taxation. The Legislature shall have power to lay an income tax and to tax all persons pursuing any occupation trade or profession; provided that the term occupation shall not be construed to apply to pursuits either agricultural or mechanical" This imperious direction imports three common characteristics of taxation as to property- universality- uniformity- and equality- while the two latter qualities apply to the other subjects. As to property the exception, of some kinds under express legislation fortifies the general rule including all other kinds. As to occupations trades and professions there is no command to tax, and while the language of authority is general the great and controlling exception of "pursuits either agricultural or mechanical" indicate a principle of political economy not to tax utilitarian pursuits. All such are mutual aids, and a burden on any particular of useful pursuits bears on every other in some degree more or less affecting chiefly the agricultural and mechanical pursuits which are expressly exempted. The authority to tax persons pursuing any occupation trade or profession may be exercised as to such pursuits as are not useful or worse and which may be by such means partially or entirely restrained in accordance with sound policy. As to incomes also there is authority but no Command to tax. Taxation of incomes involves multiplied injustice and consequent dissatisfaction. To trace incomes through causes and effects so as to approach equality is impossible. And the person who may be taxed on his income not only pays the common taxes on his person and property but also an extraordinary tax in proportion to his success in the use of his property and personal ability. Moreover taxes on persons pursuing occupations trades or professions and on incomes are peculiarly objectionable under a popular government because such taxation excites Contestations among various interests to avoid and to impose burdens by unjust invidious and odious distinctions. Poll taxation is not named in the Constitution. Not being prohibited such taxation is within the general power of legislation. The nearest practical approach to equality in taxation of polls may be found in subjecting thereto all free male persons who enjoy governmental protection and stand as real or potential heads of families and are over the age of twenty one years

The committee submits that correct principles of taxation should be observed as far as practicable and that nothing less than a great emergency could be an apology for intentional departure therefrom even in particulars not controlled by express terms of the Constitution.

The assessment and collection of taxes have proved to be subjects of difficulty for legislation in past times, but experience has been useful; and in a particular report the Committee makes some suggestions in connection with improvements proposed in a bill from the House with two principal objects, more thorough assessments and more efficient collections.

The credit of the State Treasury warrants and their reception for public dues in connexion with specie and Confederate notes and Coupons have received much consideration by the Committee with great anxiety to place the Treasury warrants at or near par with specie. But this result was found to be impracticable without confining the receipts for public dues to Treasury warrants and specie. Such a restriction would impose difficulties too great to be borne in

meeting the public demands, and this committee in Conformity with the general policy of the House bill on this subject has acquiesced in the necessity of indiscriminately receiving Treasury warrants, confederate notes and Coupons and specie for all public dues of the State Counties cities and towns, except for specific taxes to pay interest and principal of loans and except for sinking fund and interest on loans of the school fund to rail road Companies.

The general reception of such varying funds imposes a necessity for some law to regulate the disposal of them under all the different circumstances which may attend them throughout the state.

The necessary issuing and use of Treasury warrants to considerable amount especially during the next two or three years. renders it proper to facilitate such issuing and use by prescribing a mode for issuing them and providing blanks therefor.

Each bill from the House has been or will be seperately reported with appropriate particulars. These bills and others reported by this Committee containing particular measures connected with the General subject of finance will constitute a series for consideration with mutual reference to each other. The Constitution fortunately requires seperation of objects in legislation, but one consequence in the present state of our financial legislation is a necessity for taking a sytematic view of many measures when Considering any one of those which are of principal importance.

The foregoing outline of the conditions and prospect of the Treasury and of financial measures having received genal approval of the Committee is respectfully submitted

January 8 1862.

Pryor Lea
Chairman